

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

- - -

Karl Shaw,

Plaintiff,

vs.

Case No. 2:18-cv-483

City of Columbus, et al.,

Defendants.

- - -

Deposition of Karl D. Shaw, Plaintiff
herein, called by the Defendants under the
applicable Federal Rules of Civil Procedure, taken
before me, Jane M. Ferrante, a Notary Public in and
for the State of Ohio, pursuant to notice, at the
offices of Columbus City Attorney Zach Klein,
77 North Front Street, Columbus, Ohio, on Monday,
July 1, 2019, at 9:03 a.m.

- - -

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10 On behalf of the Plaintiff.

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I N D E X

| <u>Examination</u> | <u>Page</u> |
|--------------------|-------------|
| By Mr. Coglianese | 5 |
| By Mr. Gittes | 144 |
| By Mr. Coglianese | 150 |

E X H I B I T S

| <u>Exhibits</u> | <u>Page</u> |
|---|-------------|
| 13 E-Mail chain 2-9-2015 - 2-10-2015 | 119 |
| 29 Letter of Agreement | 121 |
| 14 E-Mail chain 2-25-2015 | 124 |
| 28 Assignment Abolishment | 125 |
| 16 E-Mail 4-7-2015 | 141 |
| 18 Text Messages | 142 |
| 19 - Job Applications | 153 |
| 22 | |
| 23-24 Job Applications | 154 |

- - -

Monday Morning Session,
July 1, 2019.

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STIPULATIONS

It is stipulated by and among counsel for the
respective parties that the deposition of Karl D.
Shaw, Plaintiff herein, called by the Defendants
under the applicable Federal Rules of Civil
Procedure, may be taken at this time and reduced to
writing in stenotype by the Notary, whose notes
thereafter may be transcribed out of the presence
of the witness; and that proof of the official
character and qualification of the Notary is
waived.

- - -

1 KARL D. SHAW

2 being by me first duly sworn, as hereinafter
3 certified, deposes and says as follows:

4 EXAMINATION

5 By Mr. Coglianese:

6 Q. Good morning, Mr. Shaw.

7 A. Good morning.

8 Q. We met several times, but I am going to
9 go ahead just for purposes of the record and
10 introduce myself. My name is Rich Coglianese, and
11 I'm an attorney at the City Attorney's office. I
12 am representing the defendants in the case that you
13 filed against the City of Columbus.

14 As you know, we are here this morning to
15 take your deposition. And I know you have sat
16 through the depositions in this case at least, so I
17 know you are familiar with the way these happen.

18 A. Yes.

19 Q. Just to make sure, though, that you and
20 I are on the same page I just want to go over a
21 couple things with you.

22 A. Okay.

23 Q. First thing is -- and you are doing it
24 so far, so that's great. But it's very important

1 for you to answer verbally. If the answer is yes,
2 please say, "yes." Don't shake your head. If it's
3 no, please say, "no." And along that same line,
4 "uh-huh" and "huh-uh" sound really, really similar,
5 so just to make sure that we have got a clean
6 record, I am going to ask you to answer verbally.
7 Okay?

8 A. Yes.

9 Q. Perfect.

10 The other thing is -- and we are going
11 to do it because it's just normal conversation, but
12 I will do my best to try not to interrupt your
13 answers. I am going to ask you to do the same with
14 my questions. It just makes it difficult for Jane
15 to take everything down if we are both talking at
16 the same time.

17 A. Okay.

18 Q. If I do interrupt you please tell me.
19 It's not my intention at all to interrupt any
20 answer you want to give. So if I do happen to
21 interrupt you just say, Hey, you interrupted me.
22 And, please, then, I'll let you continue with your
23 answer. Okay?

24 A. Okay.

1 Q. Generally speaking, I try to ask clear
2 questions and they are usually clear in my mind but
3 unfortunately lots of times the only person to whom
4 they are clear is me. So if you don't understand
5 what I'm asking, if it's confusing, please tell me.
6 I'm not here to try and trick you or anything. I
7 really just want to hear what you have to say. But
8 if I do ask a question that you are not sure of, I
9 would ask that you tell me, and I'm happy to
10 repeat, rephrase, restate, define, whatever it is
11 that would clear the question up. Is that okay?

12 A. Yes.

13 Q. And along that line, if you do answer a
14 question I'm going to assume that you understood
15 it. Is that fair?

16 A. Yes.

17 Q. We are going to be here for a little
18 while at least today, so these are not endurance
19 contests, as you know. If you need a break at any
20 time please tell me. We can do that. The only
21 thing that I would ask is that if there is a
22 question pending that you answer the question
23 before we take a break. Is that fair?

24 A. Yes.

1 Q. And again, as you heard your lawyers
2 tell all of the witnesses, I will tell you the same
3 thing. This is not a memory test. A lot of what
4 we are talking about is going to have happened
5 four, five, six years ago. So if you don't
6 remember, that's fine. Just tell me that. If over
7 the course of the deposition something jogs your
8 memory about something that we've talked about
9 please tell me. We can go back and talk about
10 anything that we've talked about previously. Is
11 that fair?

12 A. Yes.

13 Q. And then the final set of the
14 preliminary matters. Are you aware of any reason
15 that you cannot answer my questions truthfully,
16 honestly and to the best of your ability today?

17 A. No.

18 Q. So would you please go ahead and state
19 your name for the record?

20 A. Karl Douglas Shaw.

21 Q. And Mr. Shaw, where are you employed?

22 A. With the City of Columbus Division of
23 Police.

24 Q. How long have you been at CPD?

1 A. 26 years.

2 Q. What is your current assignment?

3 A. High school resource officer at East
4 High School.

5 Q. How long have you been the resource
6 officer at East?

7 A. Four years.

8 Q. Generally speaking, what are your --
9 what is your role as a resource officer? What do
10 you do most days?

11 A. Most days -- basically, I talk a lot
12 with the kids. I enforce criminal violations.
13 That's pretty much it.

14 Q. Do you do -- are you part of any task
15 force or anything else with CPD or right now is
16 your job simply the school resource officer?

17 A. Right now it's just high school resource
18 officer.

19 Q. Do you have any opportunities for
20 overtime as a high school resource officer?

21 A. No.

22 Q. What about special duty?

23 A. Yes.

24 Q. How frequently do you do special duty?

1 A. I work home football games and some of
2 the home basketball games, and I will work the
3 school graduation.

4 Q. Are you eligible to do special duty for
5 things outside of your jobs? For example, I know
6 that there are officers that will do special duty
7 for 5K races or half marathon or things like that
8 or work at Giant Eagle or apartment buildings. Are
9 you eligible to do any of those special duties?

10 A. Yes.

11 Q. Do you ever sign up for those?

12 A. No.

13 Q. Any particular reason why not?

14 A. Most of the jobs don't fit into my
15 schedule. I have joint custody with two of my
16 boys, so that's the reason why I don't do -- work
17 special.

18 Q. And what are your normal hours at East
19 High School?

20 A. 7:00 a.m. to 3:00 p.m.

21 Q. And is that Monday through Friday
22 usually?

23 A. Yes.

24 Q. What was your assignment before East

1 High School?

2 A. It was second shift patrol on -- I think
3 zone -- on 1 Precinct.

4 Q. Which zone was that in?

5 A. Zone 1.

6 Q. How long did you work Zone 1 Precinct 1
7 in patrol?

8 A. I never worked it.

9 Q. And why not?

10 A. I was admin to that job, and then I had
11 knee replacement.

12 Q. For purposes of the record what does it
13 mean when you say you were "admin to the job"?

14 A. It means that I was assigned that job by
15 the chief of police.

16 Q. And that would have been Chief Jacobs?

17 A. Yes.

18 Q. Do you know why Chief Jacobs assigned
19 you to that position?

20 A. Because my -- my job prior to that was
21 abolished.

22 Q. And that was the position that you held
23 in SRB, is that right?

24 A. Yes, sir.

1 Q. How long were you listed as admin for
2 Zone 1 Precinct 1?

3 A. Until sometime at the beginning of July.

4 Q. Do you remember which year that was?
5 2015? Does that sound --

6 A. I want to say it may have been 2015.

7 Q. Okay. How long were you in SRB?

8 A. To my best recollection, it may have
9 been about two years.

10 Q. So what would that have been? Like '13
11 through '15?

12 A. Yes.

13 Q. And what did you do at SRB?

14 A. I was on one of the enforcement teams.

15 Q. What does that mean?

16 A. Enforcement teams did various jobs that
17 they were tasked by the city. Working street
18 drugs, working burglars, following rape suspects.
19 That's about -- did other things, but I can't
20 recall all of them at this moment.

21 Q. My understanding is there were several
22 different units or teams inside of SRB. Is that
23 correct?

24 A. Yes.

1 Q. Who was on your team, if you recall?

2 A. I mean it was Larry Wilson, Whitney
3 Lancaster, Eric Cornett, myself, Brett Bodel, James
4 Mathis, Richard Moore. And that's all I can recall
5 at this point.

6 Q. And did the six or so folks that you
7 worked with have the same type of general
8 responsibilities?

9 A. No.

10 Q. What -- how did the team divide out
11 responsibilities, if you remember?

12 A. We were allowed to kind of work or pick
13 our own cases or our own subjects that we wanted to
14 go after.

15 Q. And did you pick any particular types of
16 cases to go after?

17 A. Yes.

18 Q. What was your main area of focus?

19 A. Drugs and prostitution out of area
20 hotels up there at 161 and Morse Road.

21 Q. How did you end up deciding to
22 concentrate on that?

23 A. I was in a zone meeting -- and am pretty
24 sure it was Zone 1. And there was a city attorney

1 at the meeting, Bill Spurlazza complaining that --
2 about the prostitution and drugs at some of the
3 hotels up there. And after the meeting I went to
4 him and informed him I knew of a way to work those
5 hotels.

6 Q. So what did you end up doing when you
7 were doing the hotel investigation?

8 A. I started buying drugs from the area
9 hotels.

10 Q. What was the ultimate conclusion of the
11 investigation that you were doing with the hotels
12 up there?

13 A. What do you mean, "ultimate conclusion"?

14 Q. What ended up happening with the
15 investigation? You know, did people get charged?
16 Convicted?

17 A. Initially what happened was nuisance
18 abatements were made on five of the hotels.

19 Q. Okay.

20 A. And a few of them were boarded up for
21 over a year. Two of them to this day are still
22 boarded up. Then I came up with another plan
23 because I was in the human trafficking task force
24 because a lot of the prostitutes were working for

1 certain people that I -- that I knew.

2 I did some research on how -- what it
3 would take to do a RICO case. And then we started
4 looking at these drug buys and some of the
5 prostitution as RICO cases.

6 Q. Was a RICO case ever brought as a result
7 of these investigations?

8 A. Several.

9 Q. Did any of them result in convictions?

10 A. To my knowledge today, because I was
11 removed from the project and never was able to see
12 it through completion -- all the ones that I put
13 together led to convictions.

14 Q. And do you recall what any of the
15 defendants' names were?

16 A. One was Donald Fegan -- Fagan. And I
17 don't know the spelling on that. And his -- his
18 girlfriend. I can't recall her name.

19 One that comes to mind because it was
20 just recent was Bobby Smith, aka Jamaican Brick,
21 just received 15 years.

22 And there is another one, Sherman
23 Tanner. But I don't know where that one is or if
24 he took a plea.

1 Q. Okay.

2 A. And there is one more that I can't think
3 of the defendant's name right now.

4 Q. Okay.

5 MR. GITTES: Can we go off the record
6 for a second?

7 (Discussion off the record.)

8 MR. GITTES: So the parties agree that
9 disclosures about Officer Shaw's role in particular
10 individuals' prosecutions will be sealed. We will
11 get an order together to protect that.

12 MR. COGLIANESE: Yeah. That's okay.

13 Q. What were some of the investigations
14 that the folks that you had worked with when you
15 were at CPD -- what areas did they try to
16 concentrate in?

17 A. They pretty much concentrated on areas
18 that they were good at. Some people were good at
19 tracking down wanted felons, so that's what they
20 primarily worked. Some were good -- they worked a
21 lot with burglary, following burglary suspects. So
22 some people would do that. Some people were good
23 at working drugs, so they did that.

24 Q. Okay. Who was your sergeant when you

1 were in SRB?

2 A. Sergeant Doug Williams.

3 Q. What was Sergeant Williams like as a
4 supervisor?

5 A. I liked him because he allowed you to
6 work. And if you had a good idea or a good plan he
7 was behind you and let you -- let you work it.

8 Q. So how would it work? You had said that
9 you went to a zone meeting with Bill Spurlazza and
10 Bill was talking about the hotels up in the 161
11 corridor.

12 How would it work that you would then
13 get the approval to start doing investigations into
14 those hotels?

15 A. There was a sheet that you fill out and
16 it identifies locations and targets that you want
17 to work and the reason why. And you just -- you
18 submit it through the chain.

19 Q. So you would submit it to Sergeant
20 Williams and he would send it up?

21 A. Yes.

22 Q. Do you recall who Sergeant Williams'
23 lieutenant was at that time?

24 A. It was Lieutenant Kimmerling.

1 Q. Did you have much interaction with
2 Lieutenant Kimmerling at that time?

3 A. Yes.

4 Q. What was your relationship like with
5 him?

6 A. I felt it was good. A fair
7 relationship.

8 Q. Any issues that you had with Lieutenant
9 Kimmerling?

10 A. No. He always supported me.

11 Q. Okay. And the same would be true about
12 Sergeant Williams?

13 A. Yes.

14 Q. Do you recall the commander that
15 Lieutenant Kimmerling reported to at that time?

16 A. It was Commander Cameron -- no, not
17 Cameron. It was Curmode.

18 Q. And did you have much interaction with
19 her?

20 A. No.

21 Q. Did you have any issues with her as a
22 commander?

23 A. No.

24 Q. If I'm keeping time frames right in my

1 head, it sounds like you were in SRB probably from
2 about '13 through '15. Is that right?

3 A. I think so.

4 Q. Thereabouts?

5 A. Right.

6 Q. What did you do before SRB?

7 A. Before SRB I was in narcotics.

8 Q. How long were you in narcotics?

9 A. I want to say it was around maybe
10 three-and-a-half years.

11 Q. And what was your role in narcotics?

12 A. When I first got there it was working --
13 working drugs, working narcotics. And then it kind
14 of evolved.

15 Q. What did it evolve into?

16 A. Into human trafficking.

17 Q. Were you on any task forces when you
18 were in SRB?

19 A. Yes.

20 Q. What task forces were you on?

21 A. The human trafficking task force.

22 Q. Did that carry over from your time in
23 narcotics or was that new?

24 A. Actually, I was one of the -- one of the

1 original members of the task force. The task force
2 got started because of work that I was doing, and
3 the AG's office had saw that and saw that there was
4 a need for a task force. And it was started.

5 Q. And I don't need the individual names of
6 the task forces, but do you recall who the
7 employers were? Which agencies were members of the
8 task force?

9 A. CPD was the lead.

10 Q. Okay.

11 A. And then there was one ICE agent.

12 Q. Okay. Besides CPD and ICE, was anybody
13 else involved?

14 A. At one point before I left there was a
15 BCI agent.

16 Q. Who did you work with when you were in
17 narcotics as fellow officers?

18 A. To my knowledge today -- because it had
19 changed because some people came, some people left.
20 Walt Miller was one. Neil Young. It's either Mark
21 or Mike Johnson. I can't remember which one. C.J.
22 Joyce was another one.

23 Q. And who was your sergeant when you were
24 there?

1 A. I had two.

2 Q. Okay.

3 A. When I first got there it was John
4 Warren. And then it -- then he retired and it was
5 Sergeant Piccinnini.

6 MR. GITTES: Can you spell that one?

7 THE WITNESS: I can't spell that one.

8 MR. COGLIANESE: Go off the record.

9 (Discussion off the record.)

10 MR. COGLIANESE: Back on.

11 Q. What was Sergeant Warren like as a
12 sergeant? Let me ask it this way. Did you have
13 any issues with him when he was your sergeant?

14 A. Never had any issues.

15 Q. What about Piccinnini?

16 A. Never had any issues.

17 Q. They both treated you fairly?

18 A. Yes.

19 Q. Did they both report up to the same
20 lieutenant? Do you recall?

21 A. Once again, because of people retiring I
22 think there might have been two lieutenants.

23 Q. Do you recall who they might have been?

24 A. First one would have been Lieutenant

1 Hawkins. And I'm not sure of his first name.

2 Q. Okay.

3 A. And then the second one may have been
4 Lieutenant Casner. The first name is Troy.

5 Q. Okay. Did you have any issues with
6 Lieutenant Hawkins?

7 A. Never.

8 Q. What about Lieutenant Casner?

9 A. Never.

10 Q. And did they both treat you fairly?

11 A. Yes.

12 Q. So again, if I'm doing my math
13 correctly, which is sometimes a big "if," it looks
14 like you probably got to narcotics maybe 2010, give
15 or take? Does that sound about right to you?

16 A. I think so.

17 Q. Where did you -- what was your
18 assignment before narcotics?

19 A. Vice.

20 Q. And how long were you in vice?

21 A. Roughly about three years.

22 Q. What was your primary responsibility
23 when you were there?

24 A. Street prostitution and boot joints,

1 | illegal liquor establishments.

2 | Q. Do you recall who your sergeant was when
3 | you were in vice?

4 | A. First one was Sergeant Oliverio.

5 | Q. Okay.

6 | A. He left, and then it was Sergeant -- I
7 | can't think of it offhand. It will come to me.

8 | Q. Okay. Did you have any issues with
9 | Sergeant Oliverio when he was your sergeant while
10 | you were in vice?

11 | A. Never.

12 | Q. What about the other sergeant whose name
13 | you can't remember right now?

14 | A. Never.

15 | Q. Again, if I'm doing math right, it looks
16 | like you probably got to vice somewhere around
17 | 2007. Does that sound about right?

18 | A. No.

19 | Q. When do you think you would have gotten
20 | there?

21 | A. I think your dates are off. I think I
22 | may have gotten there around 2004.

23 | Q. Okay. But that would have been the
24 | assignment that you had before narcotics?

1 A. Yes.

2 Q. Okay. What did you do before vice?

3 A. I was in sexual abuse squad.

4 Q. Do you recall how long you would have
5 been there?

6 A. Six months.

7 Q. Why such a short assignment?

8 A. I took a temp job in vice and I never
9 went back. Then I finally got a full-time job in
10 vice.

11 Q. How do temp jobs work at CPD?

12 A. They are posted in the daily bulletin,
13 and you bid on them by seniority.

14 Q. So that would be, if I recall
15 everything, that would be like a 60-day assignment?
16 Is that the way that works, or --

17 A. Yeah. I think some of them are 60 days.
18 Some of them may even be a max of like a six-month
19 temp.

20 Q. Okay. What did you do when you were on
21 the sexual abuse squad?

22 A. Investigate rape cases.

23 Q. Do you recall who your sergeant was when
24 you were there?

1 A. I want to say it was Sergeant Clark.

2 Q. Did you have any issues with Sergeant
3 Clark?

4 A. None.

5 Q. Do you recall what you did before the
6 sexual abuse squad?

7 A. Yes.

8 Q. What was that?

9 A. I was administratively assigned to 11
10 Precinct on first shift.

11 Q. How long was that administrative
12 assignment?

13 A. I'm not sure. I never filled it.

14 Q. Okay. Do you recall why you were
15 administratively assigned to 11 Precinct?

16 A. Yes. My -- my assignment was abolished.

17 Q. And what was the job that was abolished
18 at that time?

19 A. D.A.R.E.

20 Q. How many officers were -- had their
21 positions abolished as a result of that, if you
22 recall? And a round number is fine.

23 A. Eight to ten.

24 Q. Okay. Do you recall what the

1 department's rationale was for abolishing those
2 assignments?

3 A. I think it may have been shortage of
4 officers, wanted to use officers in other areas.

5 Q. Do you recall who the chief was at that
6 point?

7 A. It was Chief Jackson.

8 Q. So the best you can, kind of -- could
9 you explain to me what happens when positions are
10 abolished at CPD? How that goes about? How it
11 affects the officers that have the positions
12 abolished?

13 A. You get a written notice that your job
14 was abolished. And I think it gives you 70 days to
15 find a position, or you get administratively
16 assigned into a job.

17 Q. Okay. And so if during that 70-day
18 period you don't have a job, you don't find a job,
19 that's when the chief would put you someplace
20 through the administrative assignment?

21 A. Yes.

22 Q. And so that's what happened to you as a
23 result of the D.A.R.E. abolishment?

24 A. Yes.

1 Q. How long did it take you to find the
2 sexual abuse squad position after being posted into
3 the administrative assignment for 11 Precinct, if
4 you recall?

5 A. It was about eight to nine months.

6 Q. Do you recall who your sergeant was in
7 11 Precinct?

8 A. No, 'cause I never worked a day in that
9 assignment.

10 Q. So then help me out. You were assigned
11 there, but what were you doing? Because you said
12 it had been about eight to nine months. So I am
13 just trying to figure out --

14 A. I was in a charity football game, police
15 against the sheriffs.

16 Q. Okay.

17 A. And I tore my ACL, PCL and MCL and had a
18 dislocated kneecap.

19 Q. Ouch.

20 A. So that eight to nine months was me
21 having two surgeries and recovery.

22 Q. Okay. So while you were -- did you
23 attempt to apply for any positions during the time
24 that you were out on -- it sounds like medical

1 leave because of the knee issues?

2 A. No.

3 Q. Why not?

4 A. Because I would have never been able to
5 fill it. Once you take a job you have to fill that
6 job I think within 30 days or you forfeit.

7 Q. Okay.

8 A. So I didn't know when I was coming back
9 to full duty.

10 Q. And that's a general rule over at CPD
11 that you have got to be able to fill a job within a
12 certain number of days after you take it. Is that
13 correct?

14 A. Yes.

15 Q. To your understanding?

16 A. That's my understanding.

17 Q. Okay. How long were you at the position
18 or the assignment at D.A.R.E., if you recall?

19 A. Oh, I was there two different occasions.
20 There was a break in the time that I was in
21 D.A.R.E. for 112 days.

22 Q. What was the reason for the break?

23 A. I had taken a community liaison job in
24 SRB.

1 Q. What did you do as a community liaison
2 at SRB?

3 A. Attended community meetings, addressed
4 complaints that the citizens had on the precinct
5 that I was assigned.

6 Q. Do you recall who your sergeant was the
7 second time you were at D.A.R.E.?

8 A. Both times it was Sergeant Roundtree.

9 Q. Roundtree?

10 A. Yes.

11 Q. What was Sergeant Roundtree like as a
12 supervisor?

13 A. Fair. Always treated me good. Never
14 had an issue.

15 Q. Why did you decide to take the SRB
16 community liaison position?

17 A. Try something different.

18 Q. What did you think of it?

19 A. Didn't like it, so I went back to
20 D.A.R.E.

21 Q. What was it that you didn't like?

22 A. I liked dealing with the people, but
23 it's too political. Didn't want to get involved.

24 Q. What do you mean by, "too political"?

1 A. I think there was certain things that
2 were going on with certain housing programs being
3 put in, and I didn't think some of that was fair,
4 so I went back to D.A.R.E.

5 Q. Do you recall which housing programs you
6 would have been dealing with at SRB at that time as
7 the --

8 A. No, not offhand. It was something that
9 they were trying to implement down there with
10 vacant properties, abandoned properties.

11 Q. So it would have been, I guess,
12 providing police services or investigations?

13 A. No.

14 Q. Okay.

15 A. It was -- what they were trying to do is
16 putting housing in where people could rent to own.
17 And I think after a certain period then you could
18 purchase the house. But the issue was they didn't
19 have to sell you that house after you rented it.

20 Q. Okay. Was this the city that was
21 renting the houses, or do you recall?

22 A. I'm not sure.

23 Q. Okay. One of the names that has come up
24 in this case has been Officer Wes Sorell. How do

1 you know -- do you know Officer Sorell?

2 A. Yes, I know him.

3 Q. How do you know him?

4 A. We were in the same academy class
5 together.

6 Q. Which class was that?

7 A. I'm not sure exactly. It was either
8 82nd or 83rd.

9 Q. What year did you graduate?

10 A. It would have been in '93. We started
11 in November of '92.

12 Q. Why did you decide to go to the police
13 academy?

14 A. I needed a job, and I wanted out of the
15 military.

16 Q. How long did you serve?

17 A. Seven-and-a-half years.

18 Q. Which branch?

19 A. In the Navy.

20 Q. Where were you stationed?

21 A. Before I got out?

22 Q. Yes.

23 A. I was with 1st Marine Recon at Camp
24 Pendleton.

1 Q. Honorable discharge?

2 A. Yes.

3 Q. Where did you go to high school?

4 A. In Akron, Ohio.

5 Q. What drew you to Columbus?

6 A. There was an individual that I was
7 stationed with at 1st Recon Battalion that was from
8 Columbus, and he got me an application and we both
9 applied for the police department.

10 Q. Did this person get into the department?

11 A. Yes.

12 Q. Who was it?

13 A. It was -- you asked me too fast. He's
14 in squad now. I can't -- if I think of it I'll let
15 you know.

16 Q. That's fair. And you said he still
17 works for CPD as well?

18 A. Yes. Rob Vass.

19 Q. What was your time like at the academy?

20 A. Fun because it didn't bother me.

21 Q. Any issues that you had?

22 A. No, none.

23 Q. You said that you knew Officer Sorell
24 through your academy class, your graduating class.

1 Did you ever have an assignment with him?

2 A. The only assignment would have been the
3 enforcement job because he was assigned to the team
4 but never worked. He didn't come back to work for
5 the team until it was being disbanded.

6 Q. When was that?

7 A. It would have been the fall of 2014.

8 Q. What's your relationship like with
9 Officer Sorell?

10 A. Really didn't have one until the Eric
11 Moore investigation came out.

12 Q. Would you describe Officer Sorell as a
13 friend? Acquaintance?

14 A. Acquaintance.

15 Q. One of the other names -- and you just
16 brought him up -- is Sergeant Moore. When did you
17 first -- have you ever worked for Sergeant Moore?
18 Let me ask it that way.

19 A. Never worked directly for him.

20 Q. How do you know Sergeant Moore?

21 A. He was in SRB the same time I was there.

22 Q. That would have been around '13 to '15?

23 A. Yes, sir.

24 Q. So he would have been the sergeant for a

1 different group? Is that --

2 A. Yes.

3 Q. Okay. Was that the first time you had
4 met him, or do you recall if you had worked -- you
5 know, if you had known him before showing up at
6 SRB?

7 A. I probably have seen him around
8 different places, but not until I came to SRB
9 enforcement.

10 Q. What was -- did you have a working
11 relationship with him?

12 A. What do you mean by "working
13 relationship"?

14 Q. Did you work with him at all? I know he
15 was the sergeant on a different team, but would you
16 work with him at all?

17 A. No.

18 Q. Would you need to interact with him at
19 the office for any reason?

20 A. Yes.

21 Q. Why would you need to interact with
22 Sergeant Moore?

23 A. He was in charge of like surveillance
24 equipment; GPSs, binoculars, cameras, listening

1 devices.

2 Q. How was his job different than --
3 actually, let me go back a little bit. You said
4 that the sergeant that you worked for when you were
5 at SRB was Sergeant -- I am sorry?

6 A. Doug Williams.

7 Q. How was Sergeant Moore's responsibility
8 different than Sergeant Williams' responsibility,
9 if you know?

10 A. I don't know.

11 Q. So would you go to Sergeant Williams if
12 you needed equipment, or would you go to Sergeant
13 Moore?

14 A. No. I think Sergeant Moore's job
15 description was more of like an admin; whereas
16 Sergeant Williams was in charge of people, as a way
17 to put it.

18 Q. So I just want to make sure I am clear
19 on what you are saying. And if this is wrong, tell
20 me. But what I am picturing from your answer up to
21 this point as far as the differences there are if
22 you have personnel issues or if you are talking
23 about investigations, things like that, you would
24 go through Sergeant Williams. If you had office

1 issues, needing equipment or needing supplies,
2 things like that, you would go through Sergeant
3 Moore? Is that --

4 A. Yes.

5 Q. Okay. Did you have any issues with
6 Sergeant Moore?

7 A. Yes.

8 Q. What were your issues with Sergeant
9 Moore?

10 A. Trying to get equipment.

11 Q. Any other issues that you had with
12 Sergeant Moore?

13 A. Yes. Later on when -- after he left SRB
14 enforcement.

15 Q. Okay. Let's -- and we will come back to
16 that. Let's kind of break it up into while he was
17 at SRB and then after he was at SRB. So while he
18 was at SRB, issues you had with him were trying to
19 get equipment?

20 A. Yes.

21 Q. Was there anything else?

22 A. That was it.

23 Q. Okay. Describe what you mean by,
24 "trying to get equipment."

1 A. I would go down there, maybe wanting a
2 camera. And he was like, Well, you have to take
3 this class or you have to sit here for a
4 presentation. We have to teach you how to use the
5 camera, when I already knew how to use the camera.
6 I knew how to use every device down there because I
7 used it in narcotics. I used it on the human
8 trafficking task force. It became an issue where I
9 just didn't feel I wanted to be bothered with
10 trying to get equipment that is down there, so I
11 had other avenues in order to get my own equipment.

12 Q. Okay. Do you recall when Sergeant Moore
13 would have left SRB?

14 A. Sometime in the summer of 2015.

15 Q. Do you know why you had trouble getting
16 equipment from Sergeant Moore?

17 A. Found out later it was because he had an
18 issue with black officers.

19 Q. What about at that time?

20 A. Couldn't explain why.

21 Q. I just want to make sure that the record
22 is clear. And so what I am talking about is from
23 the time that you and Sergeant Moore were there --
24 2013 to '15 is the time frame we are looking at --

1 you said that he left SRB in the summer of 2015?

2 A. Yes.

3 Q. During that period of time did you know
4 why you had issues getting equipment from Sergeant
5 Moore?

6 A. Because he didn't like black officers.

7 Q. Why do you say that?

8 A. Statements that Wes Sorell had made.

9 Q. So Wes Sorell told you that he didn't
10 like African-American officers?

11 A. Yes. I think he wrote a letter stating
12 it.

13 Q. Did he write that letter to you?

14 A. No.

15 Q. So how did you find out from Officer
16 Sorell that Sergeant Moore did not like
17 African-American officers?

18 A. I can't tell you exactly 'cause I can't
19 remember. But it was known. It was talked about
20 in the office.

21 Q. During that period of time -- and again,
22 I want to focus on the '13 to '15 time period --

23 A. Okay.

24 Q. -- did you ever have any firsthand

1 knowledge that Sergeant Moore did not like
2 African-American officers?

3 A. Yes. It would have been in probably the
4 spring of 2015.

5 Q. What was your firsthand knowledge at
6 that time?

7 A. There was an issue about a wanted felon
8 that Officer Cornett was looking for, and I don't
9 know all the particulars. But he sent an e-mail up
10 through the chain of command and comments were made
11 by Sergeant Moore that if Doug Williams would have
12 put him in his place, none of this would have been
13 happening.

14 Q. Were you on that e-mail chain?

15 A. No.

16 Q. So let me then define some things just
17 so that way you and I are on the same page, okay?

18 A. Okay.

19 Q. When I say, "firsthand knowledge" what I
20 mean by that is that you are a direct witness. You
21 were in the room when somebody said something. You
22 were copied -- you received an e-mail directly from
23 Sergeant Moore.

24 Do you have -- with that definition of

1 firsthand knowledge, okay, do you have any
2 firsthand knowledge of the 2013 to '15 time period
3 that Sergeant Moore did not like African-American
4 officers?

5 A. So let me -- let me try to clarify it
6 for myself. So you are saying if someone that was
7 a party to it came and told me, that that doesn't
8 count? Or do you want to know?

9 Q. Well, I will talk to you about those
10 down the road. What I am talking about is things
11 that you as an individual directly witnessed. Not
12 what somebody told you.

13 MR. GITTES: Just to clarify. While --
14 you are talking about the 2013 to 2015 period?

15 MR. COGLIANESE: Yes.

16 Q. During the time period of 2013 to 2015
17 things that you personally witnessed. So you
18 personally heard, you personally observed. Not
19 that somebody showed you an e-mail or forwarded you
20 an e-mail or told you that they heard somebody say
21 something.

22 A. The people that received that e-mail.

23 Q. I understand. And I'll talk to you
24 about that later.

1 A. Okay.

2 Q. But what I am trying to do is find out
3 from you, 2013 to 2015, based on what I told you
4 personal knowledge is, direct interaction where you
5 witnessed it, where you saw it, where you heard it,
6 did you have any direct knowledge, any direct
7 personal interaction that would -- would support --

8 A. I would have to say that e-mail.

9 Q. That e-mail -- okay. That e-mail was
10 not -- you did not receive that e-mail, correct?

11 MR. GITTES: Could we take a short
12 break? I think I can help you with this.

13 MR. COGLIANESE: I just --

14 MR. GITTES: Because I don't think there
15 is a problem with your question.

16 MR. COGLIANESE: I understand.

17 THE WITNESS: It's probably me.

18 MR. GITTES: I think you are --

19 Q. And just before we take a break, you did
20 not receive that e-mail directly from Sergeant
21 Williams?

22 A. Correct.

23 MR. COGLIANESE: Let's take a break.

24 (Recess taken.)

1 MR. COGLIANESE: We are back on the
2 record.

3 Q. So Officer Shaw, before the break we
4 were kind of talking about the 2013 to 2015 time
5 period. And my question was: If you had any
6 firsthand knowledge about Sergeant Moore not liking
7 African-American officers.

8 And so I am going to ask: Do you have
9 any firsthand knowledge, direct knowledge, of
10 Sergeant Moore not liking African-American officers
11 in that 2013 to 2015 time period?

12 MR. GITTES: As you defined it.

13 MR. COGLIANESE: As I defined it.

14 A. No.

15 Q. Okay. You had said before we took a
16 break that you had issues with him getting you
17 various types of equipment. And one of the
18 examples that you gave me was a camera.

19 Do you know if other officers had that
20 same -- those same issues with him? Getting
21 various equipment?

22 A. To my knowledge, I don't -- I don't
23 know.

24 Q. Okay.

1 A. I can only speak for myself.

2 Q. You also said that you had an
3 alternative method to be able to obtain the
4 equipment that you needed. What was that method?

5 A. Because I was on the human trafficking
6 task force I had credentials through ICE, and they
7 would allow me to still come over. Even though I
8 wasn't on a task force I still held the credentials
9 and they would allow me to come over and sign out
10 equipment.

11 Q. So were you ultimately able to get all
12 the equipment that you needed through that
13 alternative route in the '13 to '15 time period?

14 A. Yes. And I even went out and purchased
15 my own camera.

16 Q. So again, I want to focus on the '13
17 through '15 time period. Did you ever inform your
18 supervisor that you were having issues getting
19 equipment from Sergeant Moore?

20 A. I can't recall specific -- but I -- I
21 may have because he knew where I was getting my
22 other equipment from.

23 Q. Do you recall to the extent that -- it's
24 one of those questions that sounded coherent in my

1 head. During that time period you said you may
2 have informed Sergeant Williams?

3 A. Yes.

4 Q. Do you recall what you may have -- what
5 you might have talked to Sergeant Williams about?

6 A. Mainly talked about trying to work the
7 hotels and get that completed. That was really my
8 main task at that time.

9 Q. Okay. And what about issues that you
10 had with Sergeant Moore and getting equipment? Do
11 you recall any conversations that you would have
12 had there?

13 A. We may have had conversations, but I
14 can't recall exactly what was said.

15 Q. Yeah. And I understand that. We are
16 looking at eight years ago.

17 Just to the extent generally you have
18 any recollections?

19 A. We talked about a lot of different
20 topics dealing with Sergeant Moore.

21 Q. What all did you talk about with
22 Sergeant Williams relative to Sergeant Moore?

23 A. We talked about the e-mail that
24 triggered a lot of this where Eric Moore stated

1 that if Sergeant Williams would have put Officer
2 Cornett in his place we wouldn't be having these
3 issues.

4 Q. Okay. Anything else?

5 A. We talked about Wes Sorell's statements
6 that were made about Sergeant Eric Moore.

7 Q. Anything else?

8 A. Not that I can recall at this moment.

9 Q. So let's go back then. As I had said, I
10 wanted to kind of break it down into the 2013 to
11 '15 time period while Sergeant Moore was there, and
12 then once he left. Okay?

13 A. Okay.

14 Q. You said that you had talked to Sergeant
15 Williams about Moore's e-mail relative to Cornett.
16 Was that -- was Sergeant Moore still there when
17 that e-mail was sent, or had he left?

18 A. I want to say he was still there, to my
19 knowledge.

20 Q. Okay. What about Wes Sorell's
21 statements about Moore? Was Sergeant Moore still
22 there, or had he left?

23 A. I'm not sure. I think he was -- he was
24 still there.

1 Q. Do you recall how many times you had
2 conversations with Wes Sorell about Sergeant
3 Moore's comments?

4 A. I can recall one.

5 Q. Do you think that was the only time, or
6 do you think there were more?

7 A. I want to say it was two because we
8 talked about setting up the main conversation.

9 Q. Okay. So to the best of your
10 recollection can you tell me when that first
11 conversation with Wes would have occurred?

12 A. I'm not sure if it was late spring,
13 early summer.

14 Q. That would have been 2015?

15 A. Yes.

16 Q. What do you recall Wes Sorell telling
17 you?

18 A. To my best recollection, he talked about
19 the comments that he made, the derogatory comments
20 he made about black officers being lazy, calling
21 them monkeys, threatening to fight or threatening
22 to harm them. He stated that this was common
23 amongst him, and that he got to the point where he
24 could no longer accept it because of his religious

1 beliefs.

2 Q. Do you recall anything else Officer
3 Sorell told you in that first conversation?

4 A. The comments I just made was the second
5 one.

6 Q. Oh, okay.

7 A. That was the second conversation.

8 Q. I apologize.

9 A. The first one, what we did was set up a
10 day to meet over lunch. That was the first time we
11 spoke.

12 Q. Okay. So tell me about that first
13 conversation. Did Officer -- what did Officer
14 Sorell tell you?

15 A. I can't recall.

16 Q. Was it something along the lines of,
17 Hey, Karl, I just want to have lunch with you, or
18 was it more than that?

19 A. It was more than that. He said he
20 just -- he wanted to talk to us.

21 Q. It was you, Officer Sorell. And you
22 said "he wanted to talk to us," so I assume that
23 there were other people?

24 A. It was one other person. It was Officer

1 Whitney Lancaster.

2 Q. Okay. So during that first conversation
3 when Sorell told you he wanted to talk to you and
4 Officer Lancaster, did you ask him any questions or
5 say anything during that conversation that you
6 remember?

7 A. No, I can't remember -- I don't
8 remember.

9 Q. What about Officer Lancaster? Do you
10 remember him saying anything during that
11 conversation?

12 A. No.

13 Q. Where was that? Do you recall where
14 that conversation took place?

15 A. The first one or the second one?

16 Q. The first.

17 A. The first one would have been in the SRB
18 office.

19 Q. And do you recall if anybody else was in
20 the office with the three of you when you had that
21 conversation?

22 A. I'm not sure.

23 Q. Okay. Anything else at all about that
24 conversation that you remember that you have not

1 told me?

2 A. The first one?

3 Q. Yes.

4 A. No.

5 Q. Let's move over to the second
6 conversation which if I have taken notes
7 correctly --

8 A. Okay.

9 Q. -- it seems like Officer Sorell said
10 that Sergeant Moore was referring to
11 African-Americans as lazy, as monkeys, he
12 threatened to fight or harm them, that it was a
13 common occurrence, that it got to the point that he
14 no longer could accept -- and by "he," it was
15 Officer Sorell -- could no longer accept those
16 comments because of his religious beliefs? Is that
17 accurate as far as your recollection of that
18 conversation?

19 A. Yes. And he also stated that there was
20 more things that he hasn't told anyone, and that if
21 asked the right questions, he would tell -- he
22 would tell it all.

23 Q. Do you recall when this second
24 conversation occurred?

1 A. I can't recall. And it was at a BW-3s
2 on High -- on South High Street. The person that
3 would probably know the exact date would probably
4 be Sergeant Decker.

5 Q. You had a conversation with Sergeant
6 Decker about this conversation?

7 A. Yes. And plus, I gave him a receipt for
8 what I ate that day.

9 Q. Okay. Was this conversation you,
10 Officer Lancaster and Officer Sorell? This second
11 conversation that we have been talking about?

12 A. Yes.

13 Q. Anybody else in that conversation
14 besides the three of you?

15 A. No.

16 Q. What did you do when Officer Sorell told
17 you these comments that Sergeant Moore was making?

18 A. I told him he needed to be honest and he
19 needed to tell the truth.

20 Q. What else did you say?

21 A. I can't recall, but just -- but I told
22 him that.

23 Q. What about Officer Lancaster? What did
24 he say?

1 A. I can't remember anything that he --
2 that he -- he may have not said anything. He may
3 have just listened because that's what we pretty
4 much did was listen to Sorell.

5 Q. What did -- did Officer Sorell say
6 anything else during the course of that
7 conversation?

8 A. I can't recall at this minute.

9 Q. What did you do with the information
10 that Officer Sorell gave you?

11 A. I may have talked to Sergeant Williams,
12 but I'm pretty sure at this point it was already
13 common knowledge through the chain of command.

14 Q. Why do you believe it was common
15 knowledge?

16 A. Because I -- if I had my -- if I am
17 recalling this right, it was right about the same
18 time he wrote that letter through the chain of
19 command.

20 Q. And by, "he," you mean Sorell?

21 A. Yes. Sorell did.

22 Q. You did not independently report those
23 comments to the chain of command --

24 A. No.

1 Q. -- at that time?

2 A. No.

3 Q. Why not?

4 A. Because I think at that time the chain
5 of command already knew.

6 Q. Did you independently report those
7 comments to any Equal Employment Opportunity
8 officials either at CPD or in the City of Columbus?

9 A. No.

10 Q. Why not?

11 A. I didn't even know who to report that
12 to.

13 Q. Have you had training on equal
14 employment matters while you have been a member of
15 the Columbus Police Department?

16 A. Now I have.

17 Q. When was the last time you had EEO
18 training?

19 A. Maybe a year ago.

20 Q. What about prior to that?

21 A. Can't recall.

22 Q. Are you able to access directives from
23 the -- of the Columbus Division of Police?

24 A. Yes.

1 Q. And during this time period were you
2 able to access directives at that time?

3 A. Yes.

4 Q. All directives, as far as you know?

5 A. The ones that I'm entitled to, yes.

6 Q. Okay. Did you ask Officer Sorell what
7 he meant by, "if people asked the right questions
8 he would tell all"?

9 A. Yes.

10 Q. What did he tell you?

11 A. Nothing.

12 Q. Did you have any impression in that
13 meeting what he might have been talking about?

14 A. No.

15 Q. You previously mentioned the e-mail in
16 which Moore stated that if Williams put Cornett in
17 his place they wouldn't be having these issues.
18 How did you come across that e-mail?

19 A. The e-mail was an e-mail that Officer
20 Cornett sent complaining about a 50A that he was
21 asked to go get. There was some type of hidden
22 agenda in having him go get this 50A. He sent an
23 e-mail through the chain of command because he
24 found out people were looking at what he was doing

1 and that he informed the chain of command that
2 because of these hidden agendas he wasn't going to
3 go after this 50A. The comments that --

4 Q. What's -- I am sorry. I was going to
5 say just for clarification, what's a 50A?

6 A. A wanted felon.

7 Q. Sorry. Didn't mean to interrupt.
8 Sorry. Go ahead.

9 A. Those comments came from Eric Moore to
10 Wes Sorell, and I think Scott Watkins down in their
11 -- the equipment room.

12 Q. So to the best of your understanding the
13 e-mail that you are speaking of was an e-mail that
14 Officer Cornett wrote attributing comments that he
15 heard from Sorell and Watkins to Moore? Is that
16 correct?

17 A. State it again.

18 Q. To the best of your understanding this
19 e-mail that we have been talking about was an
20 e-mail that Officer Cornett wrote. Is that
21 correct?

22 A. Yes.

23 Q. And Officer Cornett was relating a story
24 that he was told by either Sorell or Watkins saying

1 what they heard -- one of those two individuals
2 heard Sergeant Moore say? Is that --

3 A. Correct. And there may have been one
4 other officer that heard it.

5 Q. Okay. So at least as far as your
6 understanding, Officer Cornett -- using that
7 definition that we used earlier about firsthand
8 knowledge, Officer Cornett did not have firsthand
9 knowledge of these comments, to the best of your
10 understanding. Is that correct?

11 A. Correct.

12 Q. How did you come across that e-mail?

13 A. Officer Cornett was on my same
14 enforcement team, and we worked a lot together
15 daily. He told me about the e-mail he sent up and
16 the reason why he wasn't going after the wanted
17 felon.

18 Q. What happened to Officer -- did anything
19 happen to Officer Cornett for not going after that
20 wanted felon, as far as you know?

21 A. Nothing.

22 Q. Do you know what happened as a result of
23 that e-mail being sent? Was anything done? If you
24 know.

1 A. To him sending that?

2 Q. Let's start there.

3 A. No.

4 Q. Do you know if anything -- any of the
5 allegations in that e-mail were investigated?

6 A. They weren't investigated. And I think
7 that's the reason why Sergeant Moore got upset and
8 said that if they would have put him in his place
9 then we wouldn't be having this problem.

10 Q. They were or were not? I am sorry?

11 A. The e-mail that Officer Cornett sent was
12 never investigated.

13 Q. Okay.

14 A. I think that's the reason why Sergeant
15 Moore got upset and made the comments that if
16 Sergeant Williams would have put him in his place
17 then we wouldn't be having these issues.

18 Q. Okay. Do you believe that the
19 statements that were attributed to Sergeant Moore
20 about Sergeant Williams putting Officer Cornett in
21 his place were racially motivated?

22 A. Yes.

23 Q. Why?

24 A. Being how it was raised and how blacks

1 have been treated in history, you always refer to
2 putting blacks in their place. And I find that
3 racially motivated.

4 Q. To your recollection did the e-mail say
5 "putting blacks into their place" or did it say
6 "putting Cornett into his place," to your
7 recollection?

8 A. It was -- it was never put in an e-mail.
9 You are saying that was in an e-mail. It was never
10 in an e-mail.

11 Q. Okay. I apologize. Let me -- let's
12 back up and I'll try and clean everything up.

13 So Moore's comment specifically -- Moore
14 never wrote those in an e-mail, correct?

15 A. Correct.

16 Q. Cornett wrote an e-mail after being told
17 of the comments by Sorell or Watkins, correct?

18 A. No.

19 Q. Correct?

20 A. Wrong.

21 Q. Okay. What happened?

22 A. And a lot of it is starting to come back
23 to me now. There was a wanted felon out of a case
24 that they wanted found.

1 Q. Okay.

2 A. And I don't know why they just didn't go
3 look for him themselves.

4 Q. Who is the "they," if you recall?

5 A. Somehow Officer Jeremy Ehrenborg got
6 involved.

7 Q. Okay.

8 A. Because I think -- I want to say he was
9 also looking to talk to this person. So someone
10 came to Officer Cornett -- Cornett and asked him if
11 he could find this person. So he went through old
12 police reports and he started looking at addresses
13 where this person may be residing. I want to even
14 say that he went so far as to get a court order to
15 ping his cell phone.

16 Q. "He," being Cornett or Eric Moore?

17 A. Officer Cornett --

18 Q. Okay.

19 A. -- was pinging his phone. Somehow other
20 people were getting into -- because it was -- it
21 was a Sprint phone. And what you do is you send
22 the court order to Sprint and then they set up the
23 ping and you are sent on a map or you can get on
24 the computer and find out where the phone is

1 located. He was doing that. But other people were
2 doing -- going back and looking at his ping map and
3 going out too.

4 Q. Okay.

5 A. So that's when he become upset saying
6 that you asked me to do this, but yet other people
7 are out there running around trying to catch this
8 guy. And that's when he said there is some type of
9 hidden agenda -- and he didn't know what -- why.
10 So he didn't want any parts of that.

11 Q. Okay. So the "he" that did not want any
12 parts of hidden agenda was Cornett?

13 A. Officer Cornett.

14 Q. Who put the e-mail together that you are
15 talking about? Do you recall?

16 A. Officer Cornett put the e-mail together.

17 Q. Okay.

18 A. I want to say he sent it to Sergeant
19 Williams and he sent it to Lieutenant Kimmerling.

20 Q. And we've talked about the reasons why
21 you thought that the statements attributed to Moore
22 in that e-mail were racially motivated. Were there
23 any other reasons besides what you have told me
24 that you thought that those comments that were

1 attributed to Moore in that e-mail were racially
2 motivated?

3 A. You are getting the facts messed up
4 again.

5 Q. Okay. Help me out.

6 A. Sergeant Moore never put that in an
7 e-mail.

8 Q. I understand that.

9 A. But you are saying those statements were
10 made in an e-mail.

11 Q. You are saying Cornett -- so the e-mail
12 I am talking about is the e-mail that Cornett sent.

13 A. Correct. Explaining the reasons why he
14 wasn't going --

15 MR. GITTES: Could I?

16 MR. COGLIANESE: Go ahead.

17 MR. GITTES: Could I try to help?

18 MR. COGLIANESE: Yes. Go ahead.

19 MR. GITTES: I think you are being
20 asked: Were there any other reasons you believe
21 the statement attributed to Moore about putting
22 Cornett in his place would be racist, besides the
23 fact -- you know, put in place historically as you
24 have explained? Other things? Any other things

1 that make you think that, as you have testified
2 here?

3 MR. COGLIANESE: Thank you. That was
4 much clearer than I could have asked it. I'll give
5 you the rest of the depo if you want, Fred.

6 MR. GITTES: I want to be as efficient
7 on both sides.

8 MR. COGLIANESE: We do.

9 A. The only other things are the comments
10 he made before about referring to blacks as monkeys
11 and apes.

12 Q. Okay. Any other reasons?

13 A. Not that I can recall right now.

14 Q. Okay. Now, did Officer Cornett show you
15 the e-mail that he put together? Did he send it to
16 you? Did he just tell you about it? How did you
17 learn about it?

18 A. He told me about it.

19 Q. What do you recall him telling you?

20 A. He was upset because he felt like he was
21 being put in the middle of something, and he didn't
22 know why.

23 Q. What was your response when he told you
24 this? To him?

1 A. I can't remember.

2 Q. Did you advise him to do anything?

3 A. No, I don't think so.

4 Q. Why not?

5 A. He had done it. He excused himself from
6 that situation.

7 Q. So did you report any of the information
8 that Officer Cornett gave you to your chain of
9 command?

10 A. No, I didn't.

11 Q. Why not?

12 A. Officer Cornett did.

13 Q. Did you report it to anybody in the City
14 of Columbus?

15 A. No.

16 Q. Why not?

17 A. Officer Cornett sent it and had talks
18 with the chain of command about it.

19 Q. What did Officer Cornett tell you about
20 his talks with the chain of command?

21 A. I can't recall.

22 Q. Besides these two incidences that we
23 have talked about, any other issues with Sergeant
24 Moore that you had?

1 A. What time frame do you want to use?

2 Q. So we have already talked about 2013 to
3 '15 and I think you have said at that point there
4 was nothing more?

5 A. Okay.

6 Q. Is that correct? I just want to make
7 sure. I am not trying to --

8 A. To my knowledge.

9 Q. Yes. So he leaves.

10 A. Okay.

11 Q. Anything -- any issues that you had with
12 Sergeant Moore when he left SRB?

13 A. Yes.

14 Q. What are they?

15 A. Trying to get a job in narcotics.

16 Q. Anything else?

17 A. Trying to get another job in narcotics.

18 Q. Anything else?

19 A. Yeah. Statements that he made about my
20 hotel case.

21 Q. "He," being who?

22 A. Sergeant Eric Moore.

23 Q. Anything else?

24 A. Nothing that I can remember right now.

1 Maybe later something will.

2 Q. And that's fair. And I'll give you an
3 opportunity to. When we finish up I'm going to --
4 and if I don't, holler at me. But I will ask you
5 if there is anything else when we finish up.

6 So at least as of right now the best
7 that you can recall, issues that you have had with
8 Sergeant Moore from the time he left SRB were
9 trying to get a job in narcotics, trying to get a
10 second job in narcotics, and making statements
11 about your hotel case. And there may be others,
12 but right now you can't remember.

13 So let's -- go ahead. You look like you
14 are going to say something.

15 A. Yeah. There was one other narcotics job
16 I think when he first went over there.

17 Q. Okay. Anything else come to mind?

18 A. No.

19 Q. Okay. So three narcotics jobs and a
20 statement about a hotel case. Just for simplicity
21 let's start with the hotel case.

22 A. Okay.

23 Q. What did he say about the hotel case
24 that you thought --

1 A. He had told people in SRB that -- one of
2 them was Officer Richard Moore, Lieutenant
3 Echenrode -- that the cases I was working on would
4 never go anywhere. That it was a waste of time.

5 Q. You did not hear Sergeant Moore make
6 those statements, did you?

7 A. No.

8 Q. How did you learn about them?

9 A. Through Officer Richard Moore.

10 Q. What did Officer Richard Moore tell you?

11 A. That Sergeant Eric Moore was going
12 around bad-mouthing me, saying that my cases
13 wouldn't go anywhere.

14 Q. Did he tell you anything else?

15 A. Not that I can remember right now.

16 Q. Do you know why Sergeant Moore would
17 have made those comments about your hotel case?
18 Your hotel cases?

19 A. With all the facts and everything that
20 was said because I considered him to be a racist.

21 Q. Do you have any firsthand knowledge as
22 to why he said that? Again, going back to the
23 definition that we used earlier, do you have any
24 firsthand knowledge as to why Sergeant Moore would

1 have said that about your hotel cases?

2 A. No.

3 Q. Do you know if he made comments about
4 other individuals' investigations at that time?

5 A. No.

6 Q. You've told me all of the reasons why
7 you believe Sergeant Moore to be a racist?

8 MR. GITTES: Are you asking him to tell
9 you?

10 Q. I am asking if -- Officer Shaw, if you
11 have told me all of the reasons why you believe
12 Sergeant Moore to be a racist?

13 A. I -- you want -- I gave you a list.

14 Q. And I am asking you: Is that all of it?

15 A. Those are some of the ones that come to
16 mind right now.

17 Q. Okay. Anything else?

18 A. No.

19 Q. Okay. And I know the time frame on this
20 is probably all going to run together, but to the
21 best that you can do, you have said three jobs in
22 narcotics. To the best of your recollection can
23 you run me through what happened with those
24 positions? If it's easier for you to do job by

1 job, great. If it's just easier to kind of free
2 form and talk generally, that's fine.

3 A. The first job would have been on his
4 team when he first got there. There was an
5 opening. And I bid on it. And it got down to me.

6 Q. And "his" team is Sergeant Moore?

7 A. Yes. Sergeant Moore. I think it was
8 Investigative C.

9 Q. Okay.

10 A. I received a phone call from an officer,
11 and I can't recall his name right now. But he
12 really wanted that job. So I -- I passed on it.
13 John -- his name is John Whittaker.

14 Q. Okay.

15 A. He was already in narcotics, but he
16 wanted to move to that -- to that team.

17 Q. Okay.

18 A. So I passed on it so it would get down
19 to him.

20 Q. Okay. Anything else you remember about
21 that first job? And I'll come back and ask more
22 questions. But --

23 A. Not that I can remember.

24 Q. Have you worked with John Whittaker

1 before?

2 A. Yes.

3 Q. When did you work with -- I assume it's
4 Officer Whittaker?

5 A. Yeah. He's -- or detective.

6 Q. Okay.

7 A. It would have been when he first came on
8 the police department. And it would have been
9 maybe late -- early 90's.

10 Q. Okay. Do you recall what Officer
11 Whitaker's race is?

12 A. White.

13 Q. So I just want to make sure that I
14 understand kind of what was going on. You had
15 posted for this position?

16 A. Yes.

17 Q. And at least to the best of your
18 knowledge the seniority list had gotten to you. Is
19 that correct?

20 A. Yes.

21 Q. And you were offered the position?

22 A. No. He contacted me --

23 Q. "He," being Mr. Whittaker?

24 A. Mr. Whittaker.

1 Q. Okay.

2 A. And I informed the sarge that I was
3 passing on it.

4 Q. Which sergeant was that?

5 A. Sergeant Moore.

6 Q. How did you inform Sergeant Moore?
7 Telephone? E-mail? Don't remember?

8 A. Don't remember.

9 Q. You said that he -- that "he," being
10 Officer Whittaker, had already been in narcotics
11 but he wanted to switch teams?

12 A. Yes.

13 Q. Did he tell you why he wanted to switch
14 teams?

15 A. I knew him and Sergeant Moore were
16 friends.

17 Q. So you voluntarily chose to pass on that
18 job because Officer Whittaker asked you to. Is
19 that --

20 A. Yes.

21 Q. Okay. Anything else about that first
22 posting that you haven't told me that you recall?

23 A. No. That's it.

24 Q. That's it, okay.

1 Then you said there was a second
2 narcotics job?

3 A. Yeah. Actually, there were two posted
4 at the same time.

5 Q. Okay.

6 A. So those two were two that were posted.

7 Q. Okay.

8 A. Eventually -- and then eventually one
9 was canceled and then re-posted.

10 Q. So the one that was canceled was the one
11 that went to Officer Ehrenborg, is that right? To
12 the best of your recollection?

13 A. Yes.

14 Q. Officer Whittaker, however, was allowed
15 to stay in that position? Do you know?

16 A. Yeah.

17 Q. Okay.

18 A. Yes.

19 Q. What do you recall about the second
20 posting at that same time, the one that went to
21 Officer Ehrenborg?

22 A. It was posted. I think I received an
23 e-mail from Sergeant Moore stating that I would
24 have to interview for that job, and that Lieutenant

1 Brust would -- and Commander Cameron would be
2 conducting that interview.

3 Q. Okay. Was that for the Ehrenborg job or
4 was that for both of them, if you recall?

5 A. It would have been for both of them.

6 Q. Okay. Previous to your posting for
7 these narcotics positions had you ever been
8 interviewed for a position at CPD outside of
9 applying to the academy?

10 A. No.

11 Q. Had you ever heard of officers being
12 interviewed for postings?

13 A. No.

14 Q. Do you know why Sergeant Moore told you
15 that you needed to be interviewed?

16 A. I can't recall him giving me a reason
17 why.

18 Q. You can't recall him telling you why?

19 A. Right.

20 Q. Okay. Did you have any speculation as
21 to why Sergeant Moore told you you needed to be
22 interviewed for the job?

23 A. No, but found out after the fact.

24 Q. So at that period of time -- I just want

1 to make sure that we are clear. At that period of
2 time you did not have any supposition, but later on
3 you came to a conclusion. Is that fair?

4 A. It wasn't a conclusion. It was that he
5 was given an order not to talk to or deal with me
6 and Officer Whitney Lancaster.

7 Q. And how did you learn that?

8 A. Through this --

9 Q. Through the litigation?

10 A. Through the litigation.

11 Q. Okay. When Sergeant Moore told you that
12 you needed to interview with Lieutenant Brust and
13 Commander Cameron, what did you do?

14 A. I'm not sure. Through that same e-mail
15 chain we set up a time and date when I was coming
16 over to narcotics to interview for it.

17 Q. Okay. Tell me about the interview.

18 A. On that day of the interview I received
19 a text message from Detective Heidi Malone stating
20 to me that Eric Moore and Commander Cameron are
21 running around the office trying to figure out a
22 way to stop me from getting that narcotics job.

23 Q. How do you know Officer Heidi Malone?

24 A. I had worked previously with her in vice

1 for the entire time that I was in vice.

2 Q. Did you talk to her about the text
3 message? Call her? Anything else? Have any other
4 conversations with Officer Malone about the text
5 message?

6 A. I may have texted back, Okay. But I
7 talked to her when I came into the office.

8 Q. Tell me about the conversation that you
9 had with her.

10 A. It was brief. She just pretty much
11 reiterated what she put in the text, that they were
12 trying to stop me from getting the job.

13 Q. Did she tell you why they were trying to
14 stop you from getting the job?

15 A. No, I can't remember the --

16 Q. Just generally. I know you are not
17 going to remember actual specific words.

18 A. It was something because Cameron didn't
19 want me there because of something that happened or
20 I did when I was there before.

21 MR. GITTES: Rich, would you mind if I
22 just take a short break and heat up some coffee?

23 MR. COGLIANESE: We can take a break.

24 (Recess taken.)

1 MR. COGLIANESE: We are back on the
2 record.

3 Q. Officer Shaw, before we broke we were
4 just starting to talk about the interview that you
5 had with Lieutenant Brust and Commander Cameron.

6 A. Yes.

7 Q. Tell me what you remember about that.
8 Well, actually, let me strike that. Let me back up
9 even a little bit further.

10 We were talking about Heidi Malone?

11 A. Yes.

12 Q. And Officer Malone. What do you recall
13 her telling you when you got in there?

14 A. Pretty much the same, what she put into
15 the text message that they were trying to figure
16 out a way of me not getting that job.

17 Q. Did she tell you why they were trying to
18 figure out a way to keep you from getting the job?

19 A. Something to deal with me being there
20 before.

21 Q. Did she tell you anything else?

22 A. Not that I can recall.

23 Q. Do you recall what you told her?

24 A. I may have told her, thank you. But

1 other than that --

2 Q. Nothing substantive that you recall?

3 A. No.

4 Q. When you say you "being there before,"
5 what does that mean?

6 A. I was in narcotics before.

7 Q. And we had talked about that.

8 A. That time frame.

9 Q. Okay. Was there anything about your
10 time in narcotics previously that you are aware of
11 that would have Lieutenant Brust not want you back
12 in narcotics?

13 A. No.

14 Q. What about Commander Cameron? Is there
15 anything in your time period previously being in
16 narcotics that you think would make Commander
17 Cameron not want you in narcotics?

18 A. It was nothing I did. It was what he
19 did.

20 Q. What did Commander Cameron do?

21 A. He put a list out of officers that he
22 felt was not performing or doing their job.

23 Q. Did he explain to you, I assume, that
24 you were one of the people on the list that he

1 thought was not doing his job?

2 A. Yes.

3 Q. Do you recall who the other officers
4 were on that list?

5 A. No.

6 Q. Did -- do you know why Commander Cameron
7 would have put you on that list?

8 A. No.

9 Q. Do you have any supposition why
10 Commander Cameron would have put you on that list?

11 A. He said I did absolutely zero work for
12 two years.

13 Q. Did Commander Cameron tell you how he
14 came to that conclusion?

15 A. Something about EARS.

16 Q. I assume that's an acronym?

17 A. EARS is an acronym for -- for a form
18 that you fill out. Like if you execute a search
19 warrant you would fill this out notifying everybody
20 that you did a search warrant.

21 Q. Oh, okay. That's much better than --

22 A. Yes.

23 Q. During the period that you were in
24 narcotics that he was talking about did you fill

1 those reports out?

2 A. Yes.

3 Q. Do you know why they did not make it
4 into the report that he had?

5 A. Didn't look properly. He was told he
6 was wrong by Lieutenant Lang.

7 Q. How do you know Lieutenant Lang told
8 Commander Cameron that he was wrong?

9 A. I was there.

10 Q. Okay. Describe that conversation the
11 best you recall it.

12 A. Lieutenant Lang came to me first,
13 stating that my name was on this list. And we both
14 couldn't understand why. At that time frame I was
15 on the human trafficking task force, and Lieutenant
16 Lang who was also the lieutenant in vice, was also
17 the commander of that human trafficking task force.

18 Q. Okay. So what did Lieutenant Lang tell
19 you when he came to talk to you? Just that your
20 name was on the list?

21 A. That he knew I did work. We just
22 executed a search warrant on a human traffic. We
23 were -- we couldn't understand it.

24 Q. Okay.

1 A. So he went to him, commander, and showed
2 him things that I have done and things that I have
3 put together in the last two years. But my name
4 still stayed on the list.

5 Q. And you went with Lieutenant Lang when
6 he went to speak with Commander Cameron?

7 A. No.

8 Q. Okay.

9 A. He went separate. But me and Lang had
10 conversations before he approached the commander
11 trying to have my name taken off that list.

12 Q. Okay. And then maybe I misunderstood.

13 A. I may have -- may be my fault.

14 Q. No. That's fine. I just wanted to be
15 clear for the record because I thought you had said
16 that you and Lang went and talked to Cameron.

17 You talked to Lang and then Lang talked
18 to Cameron?

19 A. Yes.

20 Q. Okay. After Lang talked to Cameron I
21 assume he came back and spoke with you. Is that
22 correct?

23 A. Yes.

24 Q. Do you recall what Lang told you at that

1 point?

2 A. I'm not sure 'cause I can't remember.
3 It's been so long ago. At some point Cameron
4 removed me from the human trafficking task force,
5 and I can't remember if it was before or after
6 this.

7 Q. "This," being the interview for the
8 investigator's position or "this" being the time
9 that Lang and Cameron talked?

10 A. I thought the question was about --

11 Q. Maybe it's easier -- because I think I
12 misunderstood the time frames that you were talking
13 about. You said that at some point Cameron removed
14 you from the human trafficking task force?

15 A. Right. But I thought the initial
16 question was dealing with Cameron.

17 Q. It was.

18 A. And about what was said in the
19 interview.

20 Q. Why don't we start over so that way you
21 and I are both on the same page?

22 A. Okay.

23 Q. So when you were in narcotics the first
24 time Cameron had you down as -- for a person on the

1 list who wasn't doing any work?

2 A. Yes.

3 Q. And so when you found out about it you
4 and Lieutenant Lang spoke?

5 A. Yes.

6 Q. Then Lieutenant Lang went and spoke to
7 Cameron?

8 A. Yes.

9 Q. You were not present for that
10 conversation?

11 A. Correct.

12 Q. Okay. And then Lieutenant Lang reported
13 back to you about the conversation he had with
14 Cameron?

15 A. Yes.

16 Q. What do you recall Lang telling you
17 about the conversation he and Cameron had?

18 A. That there was nothing more I could do
19 because I was working. I was trying to put
20 together cases. So what I wound up doing was
21 giving him another list of four or five people that
22 we could probably go after for human trafficking,
23 and we executed a couple more search warrants.

24 Q. Do you know why Cameron never corrected

1 that list?

2 A. No.

3 Q. Do you have any supposition as to why
4 Cameron never corrected that list?

5 A. To -- now after things have been said, I
6 think he was being racist.

7 Q. Why do you think that?

8 A. Comments he made during the interview
9 almost mirror what comments that Eric Moore stated.

10 Q. And what comments were they that he
11 made?

12 A. Blacks being lazy, blacks not wanting to
13 work. Not having high ethics. Not being -- being
14 able to be trusted.

15 Q. What else did he say during the
16 interview?

17 A. He brought up something about Rampart,
18 California, which I didn't even know what that was
19 until I left and I Googled it.

20 Q. What else did he say?

21 A. During the interview he brought up
22 that -- the EARS thing again. And I told him in
23 the interview I could dispute every fact on that
24 list because I did do work. The work I was doing

1 -- I mean led up to us getting the human
2 trafficking task force. I was doing search
3 warrants. One of the search warrants I wrote -- I
4 had was the case that was the very first case for
5 the human trafficking task force.

6 Q. What else do you recall him saying?

7 A. He questioned me not being able to do
8 police reports or put them in the proper data
9 bases, one of them being ACSIS. And I was sent to
10 the trainer's school as a trainer.

11 Q. What else do you recall him saying?

12 A. I think they -- they asked me if I could
13 work for Eric Moore, and I told them, yes. At the
14 end I informed them that I was still interested in
15 the job.

16 Q. What else do you recall?

17 A. All right. Now that's all I can recall.

18 Q. Okay. And so I just wanted to make sure
19 that I understood as far as this was an interview
20 for both the position that went to Ehrenborg and
21 the position that went to -- my notes are --

22 MR. GITTES: Whittaker.

23 Q. -- Whittaker?

24 MR. COGLIANESE: Thank you.

1 A. No. The Whittaker one was totally
2 separate.

3 Q. I thought -- okay. Go ahead. I am
4 sorry.

5 A. These two were posted after Whittaker
6 took his job. Like months. Two months. That
7 would have been like in August of 2015.

8 Q. Okay. So --

9 A. These two were posted in the fall.

10 Q. Okay. I'm sorry. I thought that when
11 we were talking previously there were two positions
12 posted at the time that Whittaker took the
13 position?

14 A. No.

15 Q. Okay. So it was just the Whittaker
16 position?

17 A. Just the one when he took it.

18 Q. You were not interviewed for that
19 position?

20 A. No.

21 Q. Is that right?

22 But you passed seniority-wise to allow
23 Officer Whittaker to take the job?

24 A. Yes.

1 Q. Were you -- had SRB been abolished at
2 that point in time?

3 MR. GITTES: Which point? I am sorry.
4 I am confused.

5 MR. COGLIANESE: Oh, I am sorry.

6 Q. When Whittaker was filling his position
7 had SRB been abolished?

8 A. No.

9 Q. Did you have an understanding that SRB
10 was going to be abolished at that time?

11 A. No.

12 Q. When did you first learn that SRB might
13 be abolished?

14 A. In the fall, I think. I can't remember
15 the exact time. It was being talked about, but we
16 -- I don't think we officially got notification.

17 Q. So when do you recall it first being
18 talked about? Would that have been fall of '14?

19 A. It would have been fall of '15.

20 Q. Fall of '15, okay. And then you
21 officially got notification sometime after that?

22 A. Yes.

23 Q. You said that Commander Cameron during
24 the interview with you and Lieutenant Brust said

1 blacks are lazy?

2 MR. GITTES: Objection.

3 A. That Cameron said that?

4 Q. Yes.

5 A. No. I said --

6 MR. GITTES: Can we go off the record
7 because I want to avoid confusion.

8 (Discussion off the record.)

9 MR. COGLIANESE: Let's go back on.

10 Q. We are back on the record. Let me for
11 purposes of making sure the record is clear -- and
12 I completely understand your answer. And Officer,
13 please, I never want to put words in your mouth.
14 Today is for you to testify.

15 A. Okay.

16 Q. So you show up for the interview?

17 A. Yes.

18 Q. What do you recall Cameron and Brust
19 telling you as you are being interviewed?

20 A. First I got there and Brust brings me
21 back into the conference room.

22 Q. Okay.

23 A. And he tells me he doesn't understand
24 why we are doing this, why they are interviewing me

1 for a job that goes strictly by seniority.

2 Q. Uh-huh.

3 A. I may have told him that I -- I mean I
4 can work for Eric Moore. I can work for anybody,
5 can get along. And then that's when I think
6 Cameron comes in and we start the interview.

7 Q. Okay. What do you recall that Commander
8 Cameron said during the interview?

9 A. Something that he has reservations about
10 me coming back to narcotics since I was there
11 before. And then he brings up the fact that in the
12 two-year span I did absolutely zero work. Never
13 documented my work. Wasn't putting things into the
14 proper data bases.

15 Q. Okay.

16 A. And I told him I dispute everything he
17 just said.

18 Q. Okay. Anything else that you remember
19 Commander Cameron saying during that interview?

20 A. Just the fact he brought up -- what --
21 he doesn't -- he didn't want what happened in
22 Rampart, California to happen here because it would
23 bring down the -- something to the effect it would
24 bring down the division or bring down the narcotics

1 bureau.

2 Q. Okay. Anything else that you remember
3 him saying?

4 A. Not -- not now, I can't.

5 Q. What do you remember Lieutenant Brust
6 saying during the interview?

7 A. Besides our brief conversation before
8 Cameron came in?

9 Q. Yes.

10 A. Nothing.

11 Q. So we had previously talked about
12 whether or not Cameron's statistics with you during
13 your previous time in narcotics were correct. And
14 I just want to make sure that I understand. During
15 this interview when he raised that issue, you let
16 him know that you disagreed. Is that correct?

17 A. Correct.

18 Q. Okay. What was his reaction to you
19 disagreeing with him on those statistics during the
20 interview?

21 A. He had a piece of paper on the desk with
22 the names and the zeroes by everybody's names.
23 When I confronted him on it and said I can prove
24 him wrong he takes that back and says, Well, we are

1 not going to go into this right now.

2 Q. Okay. Anything else you remember about
3 talking about those statistics?

4 A. No.

5 Q. Okay. And then you said he mentioned
6 Rampart, California?

7 A. Yes.

8 Q. And I just want to make sure it's clear.
9 At that period in time you did not know anything
10 about Rampart, California. Is that correct?

11 A. Correct.

12 Q. You said you ultimately went out and
13 Googled Rampart?

14 A. Yes.

15 Q. What did you learn through Googling?

16 A. Rampart, California is -- like our
17 precincts are numbered. Theirs, I guess, have
18 names. And it was a precinct in California where
19 officers were, I guess, shooting people, planting
20 dope, stealing guns, selling guns. It was just
21 corrupt.

22 Q. In fact, ultimately the United States
23 Department of Justice ended up entering into a
24 consent decree with the Los Angeles Police

1 Department. Is that correct?

2 A. Yes.

3 Q. And that was as a result of all of the
4 behaviors at Rampart?

5 A. Yes.

6 Q. Is it your understanding that both
7 African-American and Caucasian officers were
8 participating in the, shall we say, illicit
9 activity?

10 A. I'm not -- I'm not sure. It was
11 probably both.

12 Q. Okay. But you don't know one way or the
13 other?

14 A. I don't know one way or the other.

15 Q. Okay. Anything else that you recall
16 about the interview with Brust and Cameron that we
17 have not spoken about?

18 A. I can't recall at this time.

19 Q. Okay. You believe that at this period
20 of time that you would be able to work with
21 Sergeant Moore. Is that right? By this period of
22 time? I mean when you were interviewing with Brust
23 and Cameron?

24 A. Yes.

1 Q. Has that position ever changed?

2 A. Yes.

3 MR. GITTES: Sorry. I think you two are
4 understanding each other. I don't want to get in
5 the way. Go ahead.

6 MR. COGLIANESE: Thanks.

7 Q. When did you come to the conclusion that
8 you were not able to work for Sergeant Moore?

9 A. When I was shown a text message.

10 Q. Do you recall what the text message was?

11 A. Something to the effect that I better
12 not take the narcotics job, that he didn't expect
13 this from -- meaning Richard Moore, but he would
14 expect this from the brothers.

15 Q. Who showed you the text message? Do you
16 recall?

17 A. Officer John Evans.

18 Q. Did Officer Evans tell you why he showed
19 you the text message?

20 A. Probably because he didn't want me to
21 take that job and something happen to me.

22 Q. What was your reaction when you saw it?
23 The text message?

24 A. Anger. Fear.

1 Q. What did you do?

2 A. Talked to family. Decided it might be
3 time to put a security system on my home. It's --
4 sometimes -- I mean it's hard because you go
5 through a lot of different emotions. Someone
6 doesn't like you because of the color of your skin,
7 it's not about you being able to do the job. He
8 just doesn't like you because of the color of your
9 skin.

10 Q. So you said you talked to family and you
11 put a security system on your home. Did you do
12 anything else after reviewing that text message?

13 A. I tried talking to him to forward me or
14 give someone a copy of the e-mail -- I mean the
15 text message. He told me he wouldn't delete it.
16 That if I ever needed it, then he would save it.

17 Q. Did you do anything else?

18 A. I probably -- I can't -- probably talked
19 to people about it. I know I talked to Sergeant
20 Williams about it. I talked to Officer Richard
21 Moore about it. I talked to Officer Cornett about
22 it. And it may have been a couple more.

23 Q. Anything else?

24 A. No, not right now.

1 Q. What do you recall talking to Sergeant
2 Williams about? Just --

3 A. We talked about -- because he was
4 friends with John Evans, and he was going to try to
5 talk to John Evans about him giving him the text
6 message.

7 Q. Do you know if Sergeant Williams did
8 talk to John Evans?

9 A. I think he did.

10 Q. Do you recall if Sergeant Williams
11 talked to you after he spoke with Officer Evans?

12 A. He may have because John Evans never --
13 the only person he gave the text message to was
14 Sergeant Decker in internal affairs.

15 Q. Okay. Do you recall anything else about
16 your conversations with Sergeant Williams that you
17 haven't told me about the text message?

18 A. No, I can't recall.

19 Q. Okay. You said you spoke with Richard
20 Moore about the texts message. What do you recall
21 about those -- well, first off, how many
22 conversations did you have with Officer Moore?

23 A. A few. I don't know the exact numbers.

24 Q. More than -- more or less than ten?

1 A. Yeah. Less than ten.

2 Q. Okay. Less than five?

3 A. Probably -- maybe five or less.

4 Q. Okay. What do you recall about the
5 conversations with Officer Moore about the text
6 message?

7 A. He stated it wasn't him that complained
8 about Eric Moore or him complaining about the way
9 the job was filled.

10 Q. And that was the job that went to
11 Officer Ehrenborg, is that right?

12 A. Yes.

13 Q. Do you recall anything else about your
14 conversations with Officer Moore about the text
15 message?

16 A. Did I have conversations with Eric
17 Moore?

18 Q. Richard Moore. I am sorry. You said --
19 we were talking about your conversations with
20 Richard Moore, and you just said that it wasn't him
21 that complained about the way the job was filled.
22 I am just trying to figure out if there was
23 anything else.

24 A. I think that was it.

1 Q. Okay. What about Officer Cornett? What
2 do you recall -- well, first off, how many
3 conversations do you recall having with Officer
4 Cornett about the text message?

5 A. Probably just a few.

6 Q. And again, if you can ballpark? Five or
7 less? Ten or less?

8 A. About that?

9 Q. About that text message.

10 A. About that text, probably five -- five
11 or less.

12 Q. What do you recall about those
13 conversations?

14 A. It upset him because he was already
15 going through the hard time with the threats. And
16 it pretty much confirmed to him that these threats
17 were real.

18 Q. What threats were -- was Officer Cornett
19 going through at that time?

20 A. Eric -- that Eric Moore threatened or
21 said that he should take them out back and do
22 physical harm to him. Another thing that was
23 brought up was that Eric Moore had made a statement
24 that he could have his job in two weeks if he

1 wanted to.

2 Q. Okay. Any other threats that you were
3 aware of that Officer Cornett was dealing with at
4 that time?

5 A. Nothing comes to mind at this time.

6 Q. How did you learn that Sergeant Moore
7 had threatened to take Officer Cornett out back and
8 do him physical harm?

9 A. That came from Sorell.

10 Q. Officer Sorell told you that?

11 A. No. He told Sergeant Williams and
12 Cornett that.

13 Q. Okay. And then Officer Cornett told you
14 that Officer Sorell told him that?

15 A. Yes.

16 Q. Do you recall when? The approximate
17 time frame of that?

18 A. No.

19 Q. Anything else that you recall about that
20 threat that we haven't talked about?

21 A. The threat on the text or the threat
22 that he made toward Cornett?

23 Q. The threat that he made toward Cornett.

24 A. No.

1 Q. I am sorry. No?

2 A. No, I can't recall.

3 Q. Okay. And then you said Eric Moore
4 threatened Cornett that he could have his job in
5 two weeks if he wanted to. What do you know about
6 that?

7 A. That sounds like a threat that he could
8 have him fired.

9 Q. I assume that you did not hear Sergeant
10 Moore make that threat. Is that correct?

11 A. Correct.

12 Q. Officer Cornett informed you of that?
13 Or how did you learn about that?

14 A. Actually, that part came from Officer
15 John Evans. The same one that had the text
16 message.

17 Q. When did Officer Evans tell you about
18 the threat on Cornett's job?

19 A. He went to Sergeant Williams and Officer
20 Cornett after he had -- after he heard it.

21 Q. Do you recall when that was? Month/
22 year, or season/year?

23 A. It would have been around the same time
24 frame as Sorell came -- it was after Sorell came

1 forward.

2 Q. Okay. So timing-wise I want to make
3 sure that I am kind of clear where we are at on the
4 timeline. You were informed to show up for an
5 interview with Brust and Cameron. And as you are
6 going to the interview you got the text from Heidi
7 Malone. You go and you have the conversation with
8 Brust and Cameron. You learned of the text that
9 Moore sent about better not take the job.

10 Is that when you turned the job down?
11 Or what happened once you -- once you learned of
12 that text?

13 A. Once I learned of the text is when I
14 contacted Lieutenant Brust.

15 Q. Okay. And why did you -- what did you
16 tell Lieutenant Brust when you contacted him?

17 A. Through the e-mail I think I put in
18 there that I still was interested in the job but I
19 needed to meet with him first before making a final
20 decision.

21 Q. Okay. And did you ultimately meet with
22 Lieutenant Brust?

23 A. Yes.

24 Q. Tell me about the meeting to the best of

1 your recollection.

2 A. He made a comment that he doesn't
3 understand why all this was happening, that he
4 considered Cameron a bully, and didn't understand
5 why he was doing this to me. I told him that
6 Sergeant Moore had made a threat that I better not
7 take the job. And he said that he would try to
8 protect me, but he wouldn't be around me all the
9 time to protect me.

10 So I told him, then I'm going to have to
11 pass at this time on that job.

12 Q. In your role as a police officer have
13 you ever filed charges against an individual for
14 threats that they have made? Criminal charges?

15 A. Yes.

16 Q. Did you file criminal charges against
17 Sergeant Moore for the threats that he made?

18 A. No.

19 Q. Why not?

20 A. It was going -- it was being
21 investigated by internal affairs. I gave internal
22 affairs all the information that I had, thinking
23 that the police department, internal affairs, the
24 chief, the higher-ups, would take those facts and

1 do something with them.

2 Q. Any other reasons why you didn't file
3 criminal charges against Sergeant Moore for the
4 threats?

5 A. That's it.

6 Q. At that period in time did you have the
7 authority to file criminal charges against Sergeant
8 Moore for the threats he made?

9 A. Maybe if I had a copy of the text
10 message, which I never was given but Sergeant
11 Decker was given. He could have filed charges.

12 Q. My question was: Could you have filed?
13 Did you have the ability to file?

14 MR. GITTES: Objection. Go ahead.

15 A. It would have been a better case if I
16 had a copy of the text message.

17 Q. I understand it may have been a better
18 case. But my question was: Could you have?

19 MR. GITTES: Objection. Go ahead and
20 answer.

21 A. I may have been able to. I'm not sure.

22 Q. Okay. To the best of your
23 understanding, explain to me what your obligation
24 is as a member of the Columbus Division of Police

1 if you find out criminal activity has occurred.

2 What are you obligated to do?

3 A. To report it or take action.

4 Q. What kind of reports are you obligated
5 to engage in? You said you have got a couple of
6 obligations, to report or to take action?

7 A. Right.

8 Q. What are the reports that you are
9 talking about?

10 A. It all depends on the circumstances, the
11 situations. There are different types of reports
12 that you would take. What type of reports are you
13 talking about? Or what -- what instances are you
14 talking about?

15 Q. Well, you said you have got an
16 obligation to report at certain times. What kind
17 of reports are you obligated to make? That's what
18 I am trying to find out. Just -- I am talking like
19 30,000-foot view here. You find out a criminal
20 action has occurred. You said one of your
21 obligation may be to report?

22 A. Right.

23 Q. What would those reports be? To whom
24 would they be made? What would you do?

1 A. We have a PremierOne system that you put
2 all your police reports in. And it's routed --
3 depending on the title that you give that police
4 report, it's routed to that bureau. Since I'm not
5 a detective and I'm just -- take, for example, I'm
6 a high school resource officer. Most of the
7 reports that I take are assaults or disorderly
8 conducts. So when I put those in the system they
9 go into PremierOne. If it's an assault or maybe if
10 I had a robbery, another kid robs another, then
11 that gets routed to the robbery.

12 Q. Okay. So what if you learn as a school
13 resource officer that Student A makes a threat
14 against Student B that you believe might be
15 something that Student A could engage in. What
16 would you do with that?

17 A. It all depends on what is said. Is it a
18 threat of violence? Then that becomes -- it could
19 be simple assault or it could be a menacing, making
20 threats. If I have facts to back that up I make a
21 police report and I issue a summons. I never
22 arrest kids. I always issue summons.

23 Q. Okay. You recorded the conversation
24 that you had with Lieutenant Brust, correct?

1 A. Correct.

2 Q. Why did you do that?

3 A. To protect myself and to make sure that
4 it's not his word against my word, that I had
5 documentation of everything that was said.

6 Q. Did you tell Lieutenant Brust you were
7 recording it?

8 A. No.

9 Q. Why not?

10 A. Didn't have to. Law.

11 Q. When did you make the decision to record
12 Lieutenant Brust?

13 A. To make sure I document everything.

14 Q. When? Not "why." When?

15 A. When?

16 Q. Not "why." When?

17 A. After recording the Cameron interview I
18 decided then anytime I go into a meeting I'm
19 recording it. I needed proof. And that was a way
20 of getting proof.

21 Q. When did you first -- and I don't want
22 to know what. But when did you first speak to a
23 lawyer about your employment at the Columbus
24 Division of Police?

1 MR. GITTES: Objection.

2 MR. COGLIANESE: I just want time. I
3 don't want conversations.

4 MR. GITTES: Don't -- you can answer
5 that question.

6 Q. Just when?

7 A. When?

8 Q. Yes.

9 A. Probably was the start of August with
10 Eric Moore. I can't remember the exact date.

11 Q. So sometime around August 2014?

12 A. It would have been '15.

13 Q. August 2015?

14 A. Yes.

15 Q. So it would have been before or after
16 the conversation with Lieutenant Brust that you
17 recorded?

18 A. Yes.

19 Q. Before or after? I am sorry.

20 A. It was before Lieutenant Brust.

21 Q. How many conversations have you taped
22 since you -- yeah. Let me strike that. How many
23 conversations at the Columbus Division of Police
24 that you have been involved in have you taped?

1 A. Dealing with this or through my entire
2 career?

3 Q. Dealing with this.

4 A. All the ones that I have turned over.
5 It's probably, maybe, ten or under.

6 Q. Were there any conversations that you
7 initially taped that you then deleted the
8 tape-recording, the audio recording?

9 A. Yeah. There was one.

10 Q. What was that?

11 A. This was way before the Eric Moore
12 thing.

13 Q. What was it?

14 A. It was a conversation I was told by the
15 safety director to meet with Cameron and the people
16 in the human trafficking task force about the
17 hotels.

18 Q. And that would have been Director
19 Speaks?

20 A. Yes.

21 Q. Why did you record Director Speaks?

22 A. I didn't -- he wasn't in the meeting.
23 When I went over to narcotics to sit down with
24 Cameron Kimmerling and Sergeant Chrysler I recorded

1 it.

2 Q. Why did you decide to record that
3 meeting?

4 A. Because I knew Cameron was going to be
5 there and there was going to be some issues. They
6 were having issues with me putting together RICO
7 cases on human trafficking and drugs.

8 Q. Why did you decide to erase that
9 recording?

10 A. I thought I was saving it. And I hit
11 "delete" by accident. And I couldn't get it back.

12 MR. COGLIANESE: Let's go off the record
13 for a minute.

14 (Discussion off the record.)

15 (Lunch recess taken.)

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1 Monday Afternoon Session,
2 July 1, 2019.

3 - - -

4 EXAMINATION (Continued)

5 By Mr. Coglianese:

6 MR. COGLIANESE: We are back on the
7 record after a lunch break.

8 Q. Officer Shaw, I just kind of want to
9 continue where we were talking about -- I believe
10 it was you speaking with Lieutenant Brust about
11 turning the position down.

12 A. Okay.

13 Q. So did Lieutenant Brust ever ask you why
14 you felt as though you needed protection?

15 A. No.

16 Q. Did you ever explain to Lieutenant Brust
17 why you felt you needed protection?

18 A. No.

19 Q. Why not?

20 A. I explained to him that he threatened or
21 that I better not take -- take that job, and that's
22 what I explained to him. He's the one that brought
23 up that he couldn't -- he would try to protect me,
24 but he couldn't be around me all the time.

1 Q. What could Lieutenant Brust have told
2 you that would have made you decide to take the job
3 at that point?

4 A. One of them could have been taking it
5 more serious, could have removed him from -- from
6 that job.

7 Q. Anything else that he could have done?

8 A. Maybe he could have said, Well, I'm
9 going to go back and talk to the chain of command,
10 get their inputs, and get back -- don't turn it
11 down today. Let me see what I can do on my end.

12 Q. Anything else he could have done?

13 A. Those few things are what comes to mind
14 right now.

15 Q. Was Lieutenant Brust in your chain of
16 command at the time you spoke with him, or was he
17 in the chain of command that you would have been
18 moving into had you taken the job?

19 A. He would have been in the chain of
20 command that I would have been moving into if I
21 would have taken the job.

22 Q. Did you speak with your chain of command
23 about the text that Sergeant Moore sent about you
24 better not take the job?

1 A. No.

2 Q. Why not?

3 A. At that -- I think at that point I
4 really didn't have a chain of command because my 70
5 days was already up, and they gave me a little bit
6 extra time to try to find a job. I can't recall
7 why I didn't.

8 Q. Well, even if the 70 days were up you
9 still would have had a chain of command to report
10 through, correct?

11 A. It was changing day-to-day because I
12 think a lot of people had already left. Like the
13 lieutenant, I think, was already -- Lieutenant
14 Echenrode was already on the way out. So I was
15 answering to a brand new lieutenant.

16 Q. And who was the lieutenant that you were
17 answering to?

18 A. I think it was -- first name is Scott.
19 I can't -- it will come to me and I'll let you
20 know.

21 Q. Okay. But he was still serving as your
22 lieutenant at that time, correct?

23 A. Yeah. Because Echenrode had, I think,
24 already left.

1 Q. So if you received an order from a
2 lieutenant it would have been the person who filled
3 in for Lieutenant Echenrode?

4 A. It was Lieutenant Barthalow.

5 Q. Barthalow?

6 A. Yes. Barthalow.

7 Q. Okay. And he would have been the
8 lieutenant that would have given you instructions
9 or orders if you needed to receive them from
10 lieutenants, right?

11 A. Yes.

12 Q. And if you needed to make a report to a
13 lieutenant at that time that would have been the
14 lieutenant that you would have reported to,
15 correct?

16 A. He was the only person I reported to. I
17 didn't have a sergeant at that time.

18 Q. So was there any reason that you didn't
19 report those comments to him?

20 A. No, there is no reason why I didn't.

21 Q. Okay. So you turned the job down this
22 time after the conversation that you had with
23 Lieutenant Brust, is that correct?

24 A. Yes.

1 Q. Do you know who ultimately filled that
2 position that time?

3 A. I want to say it was Ernie Rice.

4 Q. What is Mr. Rice's race?

5 A. White.

6 Q. Do you know what number he was on the
7 seniority roster?

8 A. Not offhand. I know he was behind me as
9 far as seniority.

10 Q. Do you know what number you were on the
11 seniority roster for that position?

12 A. No, I can't recall.

13 Q. And was there another position that you
14 had attempted to get in narcotics after this?

15 A. Yes.

16 Q. Did you interview for it?

17 A. No, didn't interview for it.

18 Q. What happened with filling of that
19 position?

20 A. An officer from INE left his team and
21 took the INC job.

22 Q. Who was that officer?

23 A. It's Dave Allen -- or he also goes by
24 Mike Allen.

1 Q. What is Mr. Allen's race?

2 A. White.

3 Q. Did you speak with Mr. Allen about why
4 he transferred from INE to INC?

5 A. No.

6 Q. Do you know why he did that?

7 A. No. Because I don't.

8 Q. Was that similar to -- I forget who you
9 told me --

10 MR. GITTES: Whittaker.

11 MR. COGLIANESE: Thank you.

12 Q. Was that similar to Mr. Whittaker's
13 transfer from one to another?

14 A. No. It was different.

15 Q. How was it different?

16 A. Because Mike Allen was on the DEA task
17 force.

18 Q. What makes that different?

19 A. Because basically he should have -- he
20 shouldn't even have had an assignment in narcotics.
21 He should have had to give up his assignment. He
22 shouldn't have dual assignments. Because one of
23 the stipulations to be on a task force, you have to
24 give up your assignment. So he -- he was on the

1 DEA task force. Never reported to anybody in
2 narcotics. So him switching teams didn't affect
3 him one bit.

4 Q. Do you know why he decided to switch
5 teams?

6 A. No.

7 Q. Did you file a grievance over him
8 switching teams?

9 A. No.

10 Q. Why not?

11 A. I talked to F.O.P., and it was my
12 choice. I went a -- I did it a different way. I
13 went to internal affairs and talked to people in
14 internal affairs.

15 Q. Why did you not file a grievance with
16 the F.O.P. over it?

17 A. Because I didn't know the facts and the
18 reasoning why he took it. But there should have
19 been no reason for him to be able to take it
20 because he was already on a task force. Him taking
21 that job had no effect on him because he wasn't
22 going to work on that team because he wasn't even
23 working on his present team. Because he was
24 attached to a task force.

1 Q. Do you know when the task force -- do
2 you know when he was no longer attached to a task
3 force?

4 A. He is still on that task force. To my
5 knowledge as of today he is still on that task
6 force.

7 Q. So I guess if it would have no effect
8 and you said that he should not have even been
9 allowed to post for the position since he was on
10 the task force, why would you not grieve that?

11 A. I probably should have because basically
12 that -- that was used to block me from taking the
13 job. But he had -- yes, he had more seniority.
14 And they allowed that because he had more
15 seniority. But that move right there was to block
16 me from taking that or getting that job.

17 Q. How do you --

18 A. Because I was next in line.

19 Q. How do you know it was done to block
20 you?

21 A. Him taking that job. He was never, ever
22 going to work on that team.

23 Q. Okay.

24 A. So basically you are giving -- you are

1 giving him that job to fill in name only because
2 he's not going to do any work or work around that
3 team because he's on a task force.

4 Q. But what I'm trying to figure out is:
5 What facts do you attribute to his motivation that
6 he was doing that to block you?

7 A. I know he was friends with Eric Moore.

8 Q. Okay. Anything else?

9 A. No.

10 Q. Did he tell you why he took the job?

11 A. That -- never talked to him about it.

12 Q. Did Sergeant Moore tell you why he took
13 the job?

14 A. No.

15 Q. Did anybody tell you why Mr. Allen took
16 the job?

17 A. No.

18 Q. So outside of him being friends with
19 Sergeant Moore do you have any other reasons as to
20 why he would have done that?

21 A. My take on everything was to block me
22 from taking that job.

23 Q. I just want to make sure I understand
24 all the reasons why you have reached that

1 conclusion. And what you have told me is that he's
2 friends with Sergeant Moore. If there was anything
3 else?

4 A. And Sergeant Moore did not want me to be
5 on his team.

6 Q. Anything else?

7 A. Not that I can recall at this moment.

8 Q. So previously you told me that the
9 reason that you didn't take the job when you talked
10 to Lieutenant Brust was because he couldn't assure
11 you that you would be protected. What changed from
12 the time you talked to Lieutenant Brust when he
13 told you you couldn't be protected to this position
14 that now all of a sudden you wanted to take the
15 job?

16 A. My 70 days was up and I had to find an
17 assignment. And if I didn't find a good
18 assignment, what they were trying to do was put me
19 back into patrol on second shift with Tuesdays/
20 Wednesdays off. And it -- I look at it now, it's
21 different from when I lost my D.A.R.E. job and
22 D.A.R.E. was abolished. They gave me a first shift
23 job. Here to me it seems like they are trying to
24 punish me with my years and my seniority time, they

1 are going to give me a second shift job with
2 Tuesdays/Wednesdays off, and I needed to find
3 something because of my kids and joint custody that
4 I can have time with my kids.

5 Q. How -- strike that.

6 What first shift jobs were open when
7 they assigned you to second shift?

8 A. I have no clue. The jobs that -- the
9 lists that they gave me were all second shift jobs
10 with like Tuesday/Wednesday, Wednesday/Thursday
11 off.

12 Q. So you don't know one way or the other
13 if there was a first shift available at that time,
14 correct?

15 A. It wasn't offered to me.

16 Q. So you would not know if there was?

17 A. I would not.

18 Q. Okay. What -- strike that.

19 You did not believe -- is it correct
20 that you did not believe that your safety was in
21 question if you would have taken the job that Mr.
22 Allen ultimately took?

23 A. In those kind of jobs your safety is
24 always at risk because of what you do.

1 Q. From Sergeant Moore? And I apologize.
2 That was a bad question. From Sergeant Moore?

3 A. Yes, still. But everybody knew about
4 it.

5 Q. Didn't everybody know about it when you
6 talked to Lieutenant Brust?

7 A. No, because after the fact we find out
8 when I informed Lieutenant Brust that he -- that
9 Eric Moore didn't want me taking that narcotics job
10 he never went back and told anyone. He kept that
11 to himself.

12 Q. How do you know he didn't tell anyone?

13 A. I think in his deposition he testified
14 to that.

15 Q. You didn't know that at the time,
16 though, did you?

17 A. No.

18 Q. And you didn't know that at the time
19 that you said you did, in fact, want the job that
20 Mr. Allen ultimately took, correct?

21 A. What was the question again?

22 Q. So you said that the reason that you
23 thought that you would be okay was because
24 everybody knew about it.

1 And so what I'm saying is -- and you
2 told me that you knew that Lieutenant Brust didn't
3 say anything because you heard him deposed a couple
4 of months ago.

5 At that period of time, however, you
6 would not have know that. Correct?

7 A. But I knew Lieutenant Brust knew about
8 it because I told him. And he said he would try to
9 protect me, but he couldn't be around me all the
10 time. So even if I would have taken it, he still
11 could have tried to protect me from him even while
12 I worked for him.

13 Q. And the only thing that changed was the
14 fact that your 70 days had come up and gone,
15 correct?

16 A. Yeah. That's the big one because I
17 needed to find something that fit with my kids.
18 That is important to me.

19 Q. You talked to Lieutenant Brust in early
20 February of 2015, right? About the job that you
21 ultimately turned down?

22 A. Yes.

23 What was the date again?

24 Q. Early February 2015?

1 A. Yes.

2 Q. And then in late February of 2015 that
3 was when the Allen position was ultimately filled,
4 right?

5 MR. GITTES: Could you say that again?

6 A. I think you have your dates wrong. I
7 think it would have been '16, right? Not '15.

8 Q. I am going to show you what I have
9 marked as Exhibit 13.
10 (Exhibit No. 13, E-Mail chain 2-9-2015 - 2-10-2015,
11 marked.)

12 MR. GITTES: Is this a new one?

13 MR. COGLIANESE: Yeah. I am doing
14 numbers myself here.

15 MR. GITTES: Okay.

16 Q. You can keep that. Do you recognize
17 what I have handed to you as Exhibit 13?

18 A. Yes.

19 Q. Could you identify it for the record?

20 A. It's an e-mail.

21 Q. It's an e-mail chain between you and
22 Lieutenant Brust?

23 A. Yes.

24 Q. And it is dated -- the earliest e-mail

1 on here is dated February 9, 2015. Is that
2 correct?

3 A. Yes.

4 Q. And so this is the position that we have
5 been talking about that you ultimately turned down.
6 Is that right?

7 A. Yes.

8 Q. So does that refresh your recollection
9 that it was 2015?

10 A. Yes.

11 Q. Okay. And then my follow-up question to
12 you was: The Allen position was actually filled in
13 late February 2015. Correct?

14 A. Correct.

15 Q. So if the 70 days is the motivating
16 factor one way or the other and you are only
17 looking at a difference of a couple of weeks, why
18 was it such a requirement in later February that it
19 wasn't a motivating factor for you in early
20 February?

21 A. I think during this time I also put in
22 for other jobs, one of them being the freeway job
23 which was third shift. And I could do any third
24 shift hours. And that job had Sunday/Monday off.

1 So that gave me one weekend day. So there was --
2 that was another option. But that option fell
3 through also.

4 Q. Why did that option fall through?

5 A. From the time frame that the job was
6 posted to the time it was supposed to be filled and
7 started, I think it was a large gap. I had told
8 the Sergeant that I would take that job. By the
9 time he turned the paperwork in, there was only
10 going to be a week that I would be on the job and I
11 had already had a knee replacement scheduled. So
12 when they found out I was having a knee replacement
13 they canceled the job.

14 Q. You ultimately reached a grievance
15 settlement with your union in order to fill a
16 freeway job. Is that correct?

17 A. For me to fill it or someone else to
18 fill it?

19 Q. For you to fill it.

20 A. I never filled it -- or the job was
21 never -- the job was never filled.

22 Q. I am going to hand you what I previously
23 marked as Exhibit 29.

24 (Exhibit No. 29, Letter of Agreement, marked.)

1 Q. And it's a front and back. Do you
2 recognize that?

3 A. Yes.

4 Q. Can you identify it for the record,
5 please?

6 A. It's a letter for -- agreement.

7 Q. And it is a letter of agreement between
8 you, the Fraternal Order of Police and the
9 Department of Public Safety, correct?

10 A. Correct.

11 Q. So it talks about Job Vacancy 313774
12 traffic freeway?

13 A. Yes.

14 Q. Explain to me what that position was,
15 please.

16 A. It's a freeway patrol job on third
17 shift, and the hours were 9:30 P to 5:30 A with
18 Sunday/Monday off.

19 Q. So you were allowed to fill that job
20 while you were off. Is that right?

21 A. I was never allowed to fill the job.
22 The reason why we agreed -- this even came about is
23 because I had a grievance.

24 Q. What was your grievance?

1 A. That that freeway job I should have been
2 allowed to take, work that week and then mark off,
3 have my knee surgery, and when I healed up be
4 allowed to come back and fill that job.

5 Q. Okay. So CPD did not let you do that.
6 Right?

7 A. Correct.

8 Q. So you filed a grievance over that?

9 A. I went to the F.O.P. Instead of filing
10 a grievance this was agreed upon.

11 Q. And you were one of the signees. Is
12 that correct?

13 A. Yes.

14 Q. So on the back page on the second page
15 of this over "Karl Shaw," that's your signature?

16 A. Yes.

17 Q. And so you were transferred to the
18 patrol job as a result of this letter of agreement?

19 A. Correct. On first shift, with weekends
20 off.

21 Q. Okay.

22 A. Which I never filled.

23 Q. What was your regular assignment at that
24 point in time? And this was signed in April of

1 '15.

2 A. At this time? It was going to be that
3 second shift patrol job on Zone 1.

4 Q. Okay.

5 (Exhibit No. 14, E-Mail chain 2-25-2015, marked.)

6 Q. I am going to hand you what I previously
7 marked as Deposition Exhibit 14. And I am going to
8 ask you to go ahead and identify that for the
9 record, please. If you can identify Exhibit 14 for
10 the record?

11 A. It's an e-mail chain between myself and
12 Lieutenant Brust.

13 Q. Okay. And the one that I want to focus
14 on is the e-mail that you sent to Lieutenant Brust
15 on February 25, where you say, "Lieutenant, if the
16 job gets down to me this time I'm taking it."

17 That was the job that Dave Allen
18 ultimately filled, is that right?

19 A. Yes.

20 Q. Going way back to the beginning of when
21 we started talking today, do you know why the
22 Columbus Division of Police ended up abolishing the
23 SRB unit?

24 A. Only from conversation I had with F.O.P.

1 Q. What did the F.O.P. tell you?

2 A. That it was because of the racial issues
3 in the enforcement.

4 Q. Did the F.O.P. tell you how they came to
5 that conclusion?

6 A. Can't recall.

7 Q. Who at the F.O.P. told you that?

8 A. Mark Fester.

9 Q. When did you have that conversation?

10 A. Twice. First time was when we were
11 waiting for my first interview with Sergeant Decker
12 in internal affairs.

13 Q. Okay. When was the next time?

14 A. It would have been at the F.O.P. office,
15 but I can't remember the date. But it was -- it
16 was after the interview with Sergeant Decker the
17 first time.

18 (Exhibit No. 28, Assignment Abolishment, marked.)

19 Q. I am going to hand you what I have
20 marked as Exhibit 28, and ask you to identify that
21 for the record, please?

22 A. It's an --

23 MR. GITTES: Wait a second. Let me look
24 at it. Okay.

1 MR. COGLIANESE: Is it okay for him to
2 answer?

3 MR. GITTES: Yeah. Go ahead. It is.

4 A. It's an assignment abolishment letter.

5 Q. And you received this -- it's a letter
6 from Chief Jacobs to you dated December 20, 2014,
7 is that right?

8 A. Yes.

9 Q. And you did receive this?

10 A. Yes.

11 Q. So was this the official notification
12 that you received that SRB was going to be
13 abolished?

14 A. Yes.

15 Q. And you had until, it looks like,
16 March 1, 2015 to find a new assignment, is that
17 right?

18 A. Yes -- you said March 17?

19 Q. March 1, 2015. I apologize.

20 A. Yes.

21 Q. So we have kind of chatted a lot about
22 various comments that you heard that Sergeant Moore
23 was making and issues with filling the position in
24 the narcotics unit.

1 Any other issues that you believe
2 besides what we have talked about today that were
3 discriminatory against you on the basis of your
4 race?

5 A. State it again.

6 Q. Sure. So you brought a discrimination
7 against the Columbus Police Department for race
8 discrimination?

9 A. Yes.

10 Q. And what I said is: You and I have
11 spent a good portion of today talking about various
12 comments that people told you Sergeant Moore made,
13 text messages that he sent, positions in the
14 investigative unit and in the narcotics unit.
15 Anything else that you believe was racially
16 discriminatory against you besides the stuff we
17 have talked about so far?

18 A. One thing that was alarming is that he
19 was questioned by ATF for ordering a lightning link
20 to make his rifle fully automatic.

21 Q. Okay.

22 A. You want just things that happened out
23 of this case or that have happened in the past?

24 Q. Well, what I am trying to find out is

1 everything that's happened that you believe is
2 discriminatory. So the stuff we have talked about
3 today. You have told me the lightning link. Is
4 there anything else?

5 A. When I first came on the department, did
6 seven-and-a-half years in the Navy, was trained to
7 dive. I put in for the dive team on three
8 different occasions. The first time they told me
9 my qualifications were not good enough, even though
10 I was trained in the military and held a Navy dive
11 card.

12 I felt that was discriminatory because I
13 was black. I'm a good swimmer. I even hold
14 records in the Police and Fire Olympics. I swam in
15 college. But I wasn't even allowed to even get in
16 the pool to demonstrate how proficient I was.

17 Q. Okay. Anything else?

18 A. Those things are what comes to mind
19 right now.

20 Q. So when did you apply for the dive team?

21 A. It would have been right after I got out
22 of the police academy. I hadn't been out of the
23 military just a little bit over a year.

24 Q. Okay. So we are looking early to mid

1 90's?

2 A. Yes.

3 Q. Okay. The ATF lightning link scenario.
4 Again, you had no firsthand knowledge about any of
5 that. Correct?

6 A. Correct.

7 Q. And again, just to be clear, firsthand
8 knowledge the way I defined it to you earlier?

9 A. Right.

10 Q. Okay. How did you learn about the
11 lightning link?

12 A. Detective Jerry Orak came to my office
13 and sat down with me.

14 Q. And where does Detective -- did you say
15 Orak?

16 A. Yes.

17 Q. Where does Detective Orak work?

18 A. He is on the ATF task force.

19 Q. So he's a member of CPD?

20 A. Yes.

21 Q. And he's on ATF task force. What do you
22 recall him telling you?

23 A. That he was sitting in the office when
24 Eric Moore and the -- and a representative from the

1 F.O.P., which was -- now he's the F.O.P.
2 president -- Farrell -- came to ATF because they
3 wanted to talk to him. I guess what had happened
4 was they got a list --

5 Q. And I apologize. "Him" being Moore?

6 A. Yes.

7 Q. Okay.

8 A. ATF received a list of people that had
9 ordered this lightning link from China. And I
10 guess they were told to go out and investigate the
11 people that were on the list.

12 Q. Okay. When did you have this
13 conversation? Do you recall? Maybe for purposes
14 of trying to at least get time frames --

15 A. Late February.

16 Q. Of '15?

17 A. Yeah. Sometime maybe beginning of
18 March.

19 Q. Okay. So it was about the time that the
20 postings were going up, the positions that you were
21 talking about in narcotics?

22 A. Narcotics, freeway, yes.

23 Q. Okay. So did Detective Orak tell you
24 why he was having that conversation with you?

1 A. He thought that I needed to know.

2 Q. Did he tell you why?

3 A. Not that I can recall.

4 Q. What makes you think -- you said he
5 thought that you needed to know. What makes you
6 reach that conclusion?

7 A. Because he probably knew that Eric Moore
8 was under investigation for racial comments,
9 threats. And like I told internal affairs, now he
10 has a mechanism to carry out his threats.

11 Q. Detective Orak never told you why he was
12 speaking to you about this. Is that correct?

13 A. Not that I can recall or -- the exact
14 reason why he would come to me and share that with
15 me.

16 Q. So you are just speculating as to why he
17 was talking to you about it. Is that fair?

18 A. I'm speculating that he thought that was
19 serious enough for me to know and me to make a
20 decision on what I was going to do with that
21 information.

22 Q. But he never -- that's just your
23 speculation --

24 A. Yes.

1 Q. -- as to why he told you that, correct?

2 A. Yes.

3 Q. You said that he now had a way to carry
4 out threats.

5 Now, Sergeant Moore has a service
6 weapon, I would assume. Is that --

7 A. Yes.

8 Q. A lightning link would not fit on a
9 service weapon, would it?

10 A. No. But it would fit on his AR 15.

11 Q. So what I'm trying to figure out is:
12 What is the difference between Sergeant Moore being
13 armed with a weapon at work versus ordering a
14 lightning link? How does that make it any
15 different?

16 A. I want to say it's been testified about
17 that he has sometimes brought his AR 15 and had it
18 stored in his office.

19 Q. What did you know at that time when
20 Detective Orak told you about the lightning link?
21 Did you know anything at all about Sergeant Moore
22 having an AR 15 at that point?

23 A. I want to say, yes.

24 Q. How would you know that?

1 A. Through Sorell and through Orak.

2 Q. So --

3 A. Because I think --

4 Q. No. Go ahead. I didn't mean to cut you
5 off.

6 A. It was brought up when he went into --
7 when he went into ATF. I think they knew he -- he
8 owned an AR 15.

9 Q. So it's your understanding that when
10 Detective Orak talked to you in March or
11 thereabouts of 2015 he knew that Sergeant Moore had
12 an AR 15?

13 A. Yes.

14 Q. And it is your recollection that he
15 would have told you that at that point?

16 A. Yes.

17 Q. It's your recollection or it's your
18 understanding that Officer Sorell knew about
19 Sergeant Moore's AR 15 in March of 2015?

20 A. Yes. And before.

21 Q. How would -- what did Officer Sorell
22 tell you about Moore's AR 15?

23 A. It was known that he kept his personal
24 AR 15 in his office.

1 Q. Who knew it?

2 A. It would have been Sorell, Watkins and
3 people that frequently hung out in that office.
4 Like Larry Wilson. John Evans.

5 Q. How do you know that they knew that?
6 Did they tell you that?

7 A. I would have to go back and look at some
8 of -- some of the other previous -- I think it was
9 brought up in the internal affairs investigation.

10 Q. So you would have known about it through
11 reading the IA investigation?

12 A. No. By people talking about it. By
13 common knowledge of conversations held in the
14 office.

15 Q. Right. And I am asking who would have
16 told you that?

17 A. The names that I just rattled off.

18 Q. All of them would have told you that?

19 A. I'm not sure for certain, but there were
20 conversations that took place about him having his
21 AR 15 at work.

22 Q. Any other reasons that you would have
23 believed that Sergeant Moore was capable of acting
24 on threats with an AR 15 against you?

1 A. There is -- there is no telling what
2 someone would do or if someone was put in a
3 situation, fired or he's had a history of being
4 aggressive or being violent, always wanting to
5 fight. There is nothing -- most of these mass
6 shootings, it's people out of the blue that you
7 would say, I would never expect that from him.
8 Anybody is capable of anything if they are put in a
9 situation they feel like they have no way out.
10 That -- that -- ordering that gave him a way to
11 shoot mass people.

12 Q. Why didn't you file a criminal charge
13 against Sergeant Moore for ordering a lightning
14 link?

15 A. I'm not the federal government. That
16 was ATF's job.

17 Q. Do you know if that's a violation of
18 Ohio law?

19 A. It's a violation of federal law. That's
20 the reason why they were working their way down
21 this list that they were given of people that
22 ordered the lightning link.

23 Q. And what I am asking you is: Do you
24 know if a lightning link is also a violation of

1 Ohio law?

2 A. No, I don't.

3 Q. Did you file a complaint with ATF about
4 Sergeant Moore and his lightning link?

5 A. No.

6 Q. Why not?

7 A. I went to internal affairs and reported
8 it to Sergeant Decker.

9 Q. Why did you not file a complaint with
10 ATF?

11 A. I'm not sure if I was the right person
12 to go and file that complaint. What I do know is
13 that they -- ATF was investigating it. And one of
14 the things that I can remember -- other things that
15 Jerry Orak told me was that they had him ordering
16 it. They had his signature on the paperwork when
17 it was delivered. But they were not going to
18 pursue it because they gave him the benefit of the
19 doubt because he told them that, yes, he did order
20 it, but he never took possession. But they had a
21 signature of his taking possession. But they
22 weren't going to go after him out of common
23 courtesy because he was a police officer.

24 Q. You never saw his signature?

1 A. No. I'm going what -- what Jerry Orak
2 informed me.

3 Q. And you never saw any order that he
4 would have made?

5 A. No.

6 Q. Did you file a complaint with the U.S.
7 Attorney for the Southern District of Ohio over the
8 ordering of the lightning link?

9 A. No.

10 Q. Why not?

11 A. The proof of him doing this I did not
12 have. So I could not pursue charges or anything to
13 evidence that I did not possess and did not see. I
14 can report it to people, which is what I did. But
15 I couldn't take action.

16 Q. Any other things that you have had
17 happen to you at the Columbus Division of Police
18 outside of what we've talked about today that you
19 believe are racially discriminatory?

20 A. Not that I can recall at this time.

21 Q. Anything else than what we have talked
22 about today that you believe are retaliatory while
23 you have been working at CPD?

24 A. Yes.

1 Q. What else?

2 A. Commander Cameron.

3 Q. What about Commander Cameron?

4 A. The comments that he made and the
5 e-mails that he sent out complaining about my work
6 or complaining that I didn't know what I was doing
7 or I haven't had proper training to do human
8 trafficking cases. Those were -- that's all -- it
9 was a lie. I've -- FBI sent me to training in
10 Boston for a week. I knew how to put these cases
11 together. But for some reason he did not want me
12 working those cases.

13 Q. Why do you believe it was retaliatory?
14 What -- let me just leave it there. Go ahead. Why
15 do you believe it was retaliatory?

16 A. Because you -- you put comments out
17 saying that I never did any work, but, yet, I can
18 prove you wrong. And you never take those
19 statements back. But, yet, you will go to the
20 chain of command and still tell those lies.

21 Q. That was stuff that he talked about the
22 first time that you worked with him in narcotics,
23 right?

24 A. And it continued all the way through

1 this case.

2 Q. So what was he retaliating against you
3 for? What did you do that you believe he was
4 retaliating against you for?

5 A. Maybe because I spoke up. I filed a
6 complaint.

7 Q. When did you file a complaint?

8 A. I'm not sure of the exact date when I
9 filed it. But they all knew I had spoken to
10 internal affairs and expressed that I thought what
11 was going on was racially motivated.

12 Q. So the action that he was taking -- I
13 just want to make sure I understand time frames.
14 The action that he was taking after you filed the
15 complaint, you believe he was taking that in
16 retaliation for you filing a complaint. Is that
17 what your testimony is?

18 A. Yes.

19 Q. So to the extent -- I apologize. You
20 look like you want to say something. Go ahead.

21 A. No. Go ahead.

22 Q. Please.

23 MR. GITTES: If you are done, you are
24 done.

1 THE WITNESS: I'm done.

2 Q. I didn't mean to cut you off. And like
3 I say, I am here to hear what you've got to say.

4 Those conversations didn't start
5 occurring until sometime the fall of 2014. Is that
6 right? That you had with internal affairs?

7 A. Yes.

8 Q. Okay. So anything that Cameron said
9 about you prior to that would not have been
10 retaliatory. Would you agree with that?

11 A. But it was still -- to me it was still
12 discrimination. Now that -- now that -- you take
13 all the facts that have come out in this case, I
14 can say the way he was treating me when I was in
15 narcotics, that was -- that's discrimination. He
16 had a bias for some reason toward me. And you
17 would have to ask him that. But to me it -- it
18 seemed racial.

19 Q. You don't know why he had a bias against
20 you, do you?

21 A. No.

22 Q. Okay. And you didn't report it at that
23 time, did you?

24 A. No. That was the reason why I left

1 narcotics.

2 Q. Anything else that you believe was
3 either discriminatory or retaliatory that we've not
4 talked about today?

5 A. Well, the text message. Again, that was
6 -- that was retaliatory.

7 Q. And that's what I said. Besides what
8 we've talked about?

9 A. No, nothing that comes to mind at this
10 moment right now.

11 Q. Who is Jack Harris?

12 A. Jack Harris was the lieutenant in charge
13 of freeway.

14 (Exhibit No. 16, E-Mail 4-7-2015, marked.)

15 Q. I am going to hand you what I previously
16 marked as -- I will do it this way -- what I
17 previously marked as Deposition Exhibit 16, and ask
18 you to take a look at that and identify it for the
19 record, please.

20 A. It's an e-mail chain between myself and
21 Lieutenant John Harris.

22 Q. And it says, Please give me a call when
23 you have a moment."

24 Do you recall what this was about?

1 A. Yes.

2 Q. What was it about?

3 A. He felt bad that I wasn't allowed to
4 take the freeway job because they had already given
5 me my cruiser, my freeway car. And then they --
6 sarge cancels the job on me.

7 Q. Did they ever tell you why they canceled
8 the job?

9 A. They gave the excuse because I was
10 having the knee surgery.

11 Q. What did Lieutenant Harris say when you
12 -- I am going to assume you did give him a call?

13 A. Yes, I called him.

14 Q. What did he tell you?

15 A. That he was sorry that this happened and
16 for me there is other jobs to put in for.

17 Q. Anything else?

18 A. Not that I can recall.

19 (Exhibit No. 18, Text Messages, marked.)

20 Q. I am just trying to do some clean-up
21 here. I am going to hand you what I previously
22 marked as 18 and ask you to identify that for the
23 record.

24 A. This is the text message between me and

1 Heidi Malone.

2 Q. Okay. And this is the text message that
3 we talked about earlier?

4 A. Yes.

5 Q. Any other situations that happened
6 besides what we have talked about that you believe
7 were discriminatory or retaliatory?

8 A. Not that I can recall at this moment.

9 Q. Anything else that we've talked about
10 today that you think you need to either fill in
11 more or correct? Anything else?

12 A. No.

13 MR. COGLIANESE: No. Okay. At this
14 point, Officer Shaw, I do want to thank you. We
15 are done.

16 MR. GITTES: We are not done. I want to
17 talk to him. I want to see whether I want to ask
18 him any follow-up questions.

19 MR. COGLIANESE: Okay.

20 MR. GITTES: Can we use the conference
21 room?

22 (Recess taken.)

23 - - -

24

1 EXAMINATION

2 By Mr. Gittes:

3 Q. Officer Shaw, I just want to ask you
4 about two topics.

5 Do you recall what assignment that
6 Officer Allen had before he went to the task force?

7 A. Yes.

8 Q. And what was that?

9 A. It was Investigative Team C.

10 Q. Do you know whether he left
11 Investigative C to go to the task force?

12 A. Yes.

13 Q. Okay. And was Sergeant Moore the
14 sergeant of Investigative C in narcotics at the
15 time that he left?

16 A. No, he wasn't.

17 Q. At the time that he bid on the position
18 that you have been asked about a lot today, the
19 second opening that -- Investigative E, I believe?
20 Right?

21 A. Yes.

22 Q. And was sergeant Moore there or am I
23 confusing the units?

24 A. No, Sergeant Moore wasn't there.

1 Q. Okay.

2 A. They --

3 Q. Explain the timing in terms of where
4 Sergeant Moore was and when Officer -- Detective
5 Allen left and came back.

6 A. Dave Allen originally started on
7 Investigative C. The time he was on Investigative
8 C he went to the DEA task force. It was a point
9 while he was on the task force that he went to
10 Investigative E. Then that job that I put in for,
11 he left Investigative C -- I mean E --
12 Investigative E and went back to Investigative C
13 when Eric Moore was there.

14 Q. By the way, had he bid on the job he --
15 I just want to get the timing clear here on this
16 record. At the point in time that you met with
17 Lieutenant Brust and indicated in your meeting that
18 you no longer were going to take the job --

19 A. Okay.

20 Q. -- that meeting that has been discussed
21 today?

22 A. Yes.

23 Q. Had the job been filled? It was still
24 open basically?

1 A. It was still open.

2 Q. Had Allen bid on it, to your knowledge?
3 If you don't know, tell us.

4 A. I'm confused.

5 Q. I am sorry. I am asking about the wrong
6 job, right?

7 A. Yes.

8 Q. At the point that you were having that
9 discussion was the job still open?

10 MR. COGLIANESE: Objection. Which job
11 are you talking about?

12 MR. GITTES: I am sorry.

13 A. Are you talking about the one that I
14 discussed with Lieutenant Brust?

15 Q. Yes.

16 A. Yes, that job was still open.

17 Q. Okay. And by the time you e-mailed back
18 to Brust -- I believe it's an exhibit here -- about
19 -- let's see if I can find which one it is -- I'm
20 trying to understand that between the time you met
21 with Lieutenant Brust and had the conversation that
22 you were questioned about today and the time you
23 sent Defendant's Exhibit 14 to Lieutenant Brust
24 whether the first -- the first job that you were

1 discussing with him had been filled.

2 A. That one had been filled.

3 Q. Okay. And do you know how much before
4 you sent this e-mail on the 25th?

5 For the record, I am talking about
6 February 25, 2015, reflected in Defendant's
7 Exhibit 14.

8 A. It would have been filled right after I
9 passed on it.

10 Q. Okay. And at that moment in time were
11 you totally out of time when you talked to Brust?

12 A. I think I would have been totally out of
13 time come March 1st.

14 Q. Okay. So at the time you were having
15 that conversation with Lieutenant Brust you still
16 had some time?

17 A. I still had some time.

18 Q. At the time you were talking to Brust --
19 and just for the record because I know -- including
20 me -- we get confused. Were there -- were there
21 three job openings that this case concerns, or two?

22 MR. COGLIANESE: Objection.

23 A. It was two jobs.

24 Q. Okay. And is it -- just for the record,

1 the first job had initially gone through a process
2 and your chain had recommended Officer Ehrenborg,
3 right?

4 A. Correct.

5 Q. For the position?

6 A. For the position.

7 Q. And then because of the action of the
8 chief that same job was re-opened for decision?

9 A. Yes.

10 MR. COGLIANESE: Objection.

11 Q. Okay. So -- and that job was what job?
12 Which job? Do you remember?

13 A. I don't remember because each job is
14 given an assignment number. Both of them initially
15 were posted at the same time.

16 Q. Okay.

17 A. Ehrenborg got one, and then that left
18 one still open.

19 Q. Okay.

20 A. They were going to give it to Ehrenborg.
21 The chief stopped it. So that meant the two jobs
22 were still open.

23 Q. The person who took what you have
24 referred to as the first job, ultimately took it --

1 A. Yes.

2 Q. -- did he have more or less seniority
3 than you?

4 A. He had less.

5 Q. When that first job was first -- when
6 Ehrenborg was first recommended for that position
7 in the beginning by the chain of command did you
8 have more or less seniority than him?

9 A. I had more.

10 Q. Had you -- as of the time you learned
11 that Ehrenborg had been recommended for the
12 position had you withdrawn your request to be given
13 the job?

14 A. Never turned that job down.

15 Q. Had you personally communicated to
16 Lieutenant Brust and to Commander Cameron that you
17 would take that job?

18 MR. COGLIANESE: Objection.

19 A. I told them I was still interested in
20 that job.

21 Q. In light of Rich's objection, let me ask
22 it a different way.

23 What is the last thing you said to
24 Commander Cameron and Lieutenant Brust as you left

1 the interview?

2 A. That I was still interested in that job.

3 Q. Have you ever been given an explanation
4 or even heard an explanation of why Ehrenborg was
5 still recommended and not you after that interview?

6 A. Never.

7 Q. Okay. The only other thing I want to
8 ask about is related to the lightning link.

9 Is it your understanding that a
10 lightning link device is legal or illegal?

11 A. It's illegal.

12 Q. Is there -- is it also illegal for a
13 Columbus Police Officer to have and obtain -- have
14 or obtain such a device?

15 MR. COGLIANESE: Objection.

16 A. Illegal.

17 MR. GITTES: That's all I have.

18 FURTHER EXAMINATION

19 By Mr. Coglianese:

20 Q. Sir, you told Fred that Allen started on
21 C initially -- Investigative C initially. Is that
22 right?

23 A. Yes.

24 Q. And then while he was on C he joined the

1 DEA task force. Is that correct?

2 A. Correct.

3 Q. So while he was off and doing the DEA
4 work he switched to E?

5 A. Correct.

6 Q. And then -- and he was continuing simply
7 to do the DEA task force work?

8 A. Correct.

9 Q. And then while on the DEA task force
10 work he switched back to C?

11 A. Correct.

12 Q. So Allen sounds like he's got a history
13 of switching positions while on the DEA task force.
14 Is that correct?

15 A. There is years in between the switching.

16 Q. I understand that, but that wasn't my
17 question.

18 My question was: Allen has a history of
19 switching between investigative units while on the
20 DEA task force. Is that correct?

21 A. Yes.

22 Q. Are you maintaining that when Allen went
23 from C to E while he was on the DEA task force that
24 he did that for racially discriminatory reasons?

1 A. I'm not sure.

2 Q. You don't know why he went from C to E.
3 Is that correct?

4 A. Correct.

5 Q. Okay. I want to clear up because I
6 think I am now more confused than I was earlier
7 about all of the positions. So I thought we had
8 been talking about four jobs. And let me explain
9 to you how I am getting the four.

10 A. Okay.

11 Q. We are getting to the job that you admit
12 you turned down. We are talking -- and that went
13 to --

14 A. Ernie Rice.

15 Q. -- Ernie Rice. So let's call that Job
16 1.

17 A. Okay.

18 Q. Job 2 went to Ehrenborg. Is that right?
19 That was ultimately canceled by the chief?

20 A. Correct.

21 Q. Job 3 was the position that went -- that
22 you were offered and turned down after you talked
23 to Lieutenant Brust?

24 A. That's the job Ernie Rice took.

1 Q. Now I'm really confused because --

2 MR. GITTES: Rich, just so you know
3 that's why I am trying to get this clarified
4 because I'm -- I think there is confusion about
5 this. Maybe you have the answer in your book
6 there.

7 MR. COGLIANESE: Let's do it this way.
8 (Exhibit Nos. 19 - 22, Job Applications, marked.)

9 Q. I am going to give you multiple
10 exhibits. Just bear with me, okay?

11 MR. GITTES: Have these been previously
12 marked?

13 MR. COGLIANESE: They have been
14 previously marked. We will introduce them. But
15 let me do it this way because I think it's going to
16 be easiest.

17 MR. GITTES: Okay.

18 MR. COGLIANESE: So here is 19. Here is
19 20. Here is 21. And here is 22.

20 Q. And just for the record, all of these
21 are two-sided copies. So I'll give you a second to
22 take a look at them and then, Officer, when you are
23 done looking at them I am going to ask you to
24 identify for the record what we are looking at.

1 Are you ready?

2 A. Yeah. I can probably explain it so
3 everybody understands.

4 Q. Okay. But before you do that, let's
5 just start 19 through 22 are applications that you
6 submitted for the narcotics position -- for
7 narcotics positions, is that correct?

8 A. Correct.

9 Q. Okay. So go ahead. You said you can
10 explain it so everybody understands it?

11 A. Yeah. I think I got it now. And I can
12 explain it.

13 You are seeing four jobs. But actually
14 there are only two.

15 MR. COGLIANESE: And I apologize. I
16 don't mean to do this, but let me give you 23 also.
17 And actually, while we are doing this let me also
18 give you 24. Then I am done at that point. I
19 promise.

20 (Exhibit Nos. 23-24, Job Applications, marked.)

21 Q. Okay. And I don't know if that changes
22 anything that you were about to say.

23 A. Okay. These two --

24 Q. 23 and 24?

1 A. Yes. 24 ran 23 are from 2018, not from
2 this time frame.

3 Q. Okay. Who was the sergeant in charge in
4 2018 when you submitted that application?

5 A. I don't know who it is now. It's not --
6 it's not Moore because he had already been fired
7 and come back in 2018, and he just holds an admin
8 job there now.

9 Q. Okay.

10 A. So these jobs were in 2018.

11 Q. Okay.

12 A. These --

13 MR. GITTES: Again, for the record,
14 Exhibits 23 and 24 is what you just talked about?

15 THE WITNESS: Yes.

16 MR. GITTES: Okay.

17 A. Which I didn't get those jobs because of
18 seniority.

19 Q. Okay.

20 A. These jobs --

21 Q. You are looking at 19?

22 A. 19, 20, 21 and 22.

23 Q. Uh-huh.

24 A. 19 and 22 are the same job. Look at the

1 assignment numbers on those jobs. They were posted
2 at two different times, but it's the exact same
3 assignment.

4 Q. So it's not --

5 A. The confusion is that they canceled them
6 and then re-posted them, the two jobs. That's
7 where the confusion is coming.

8 Q. So 19 was posted. You applied?

9 A. Yes.

10 Q. Was this the job that went to Allen?
11 19?

12 A. We would have to go back and look at
13 what his assignment number is, and that will tell
14 you.

15 Q. Well, let's flip to the back page on
16 each of them because that -- that gives us the
17 seniority groups. Okay?

18 And so the only one that I see Allen on
19 is 19.

20 A. Yes.

21 Q. So it would stand to reason -- you would
22 have no reason to dispute that 19 was the job that
23 went to Allen?

24 A. Yes. You can also go by the effective

1 date. It would have been March of 2015.

2 Q. Okay. And he was ahead of you on the
3 seniority roster?

4 A. Yes.

5 Q. So then that leaves us with 20, 21 and
6 22. And you have -- you had said earlier that you
7 passed on an initial job. Would that have been 20
8 that you passed on?

9 A. See, the assignment number for 19 and 22
10 are the same. The assignment is 7220607 --

11 Q. Okay.

12 A. -- on 19. And on 22 the assignment
13 number is 7220607. So --

14 Q. Except the problem is 22 has an
15 effective date of 1-4-2015. 19 has an effective
16 date of 3-1-2015?

17 A. Right. These two are the same.

18 Q. You have got to use numbers as you are
19 pointing.

20 A. 21 and 20 are the same assignment
21 numbers.

22 Q. Okay.

23 A. If you look at Exhibit 21 and 22 they
24 were filed at the same time. So --

1 Q. With different closing dates?

2 A. Yes.

3 Q. One is 12-17, one is 6-16 the next year?

4 A. The two initial jobs had to be -- they
5 were -- what? Canceled and then re-posted.

6 Q. I thought you said --

7 A. But I thought -- now I'm confused
8 because I thought one job stayed open and then that
9 was the one they closed was the one I thought
10 Jeremy took or they were going to give Jeremy. So
11 that left one job open, and the chief canceled
12 Jeremy's job. Remember --

13 Q. Right.

14 A. Retired Deputy Chief Gray says what they
15 did was the job that Jeremy took, they canceled to
16 stop any grievance. And then re -- that job was
17 re-posted. And that's -- that's Exhibit 19 and
18 Exhibit 22. That's that second job. But that job
19 was also re-posted twice. There were only two
20 vacancies on that team. But because of all this,
21 that job was canceled and re-posted.

22 Q. So then I want to -- you told me
23 initially that you passed on the position in order
24 to allow -- I forget what the gentleman's name was.

1 MR. GITTES: Can we go off the record?
2 Can we just talk for a second? It's up to you.

3 MR. COGLIANESE: Actually, just give me
4 a second here.

5 (Witness and counsel confer.)

6 MR. COGLIANESE: Let's go off the
7 record.

8 (Discussion off the record.)

9 Q. So you had previously testified that you
10 got a call from Officer John Whittaker and because
11 of that you decided to pass to allow Officer
12 Whittaker to take the job?

13 A. And that job was before these jobs.

14 Q. When was that job posted?

15 A. Like the summer. That summer. That one
16 took effect like July, August. He was -- when
17 these jobs were posted he was already on INC.

18 Q. So that was before you were told that
19 SRB was being abolished. Is that right?

20 MR. GITTES: Objection. Go ahead.

21 A. This was --

22 Q. The Whittaker posting.

23 A. Yes.

24 Q. The job that you passed for Whittaker.

1 A. That was before -- before SRB was talked
2 about being abolished.

3 Q. And Moore was the sergeant in charge of
4 that position. Is that right?

5 A. That was right around the time he left
6 SRB that summer and went to narcotics.

7 Q. And then there was the Ehrenborg job.
8 Was that the next one?

9 A. Yes.

10 Q. So which one is that?

11 A. I'm not sure because you don't have a
12 full printout. It may have been -- the only one
13 that his name comes up on is these two jobs.

14 Q. And give me exhibit numbers. 19 and 22?

15 A. They are going to be 19 and 22, which
16 are the same jobs, just posted different times.

17 Q. Okay. Then the next job. Is it your
18 testimony that the next job is the job that you
19 talked to Brust about? After they canceled the
20 Ehrenborg position?

21 A. Yes.

22 Q. And that's when you then declined that
23 position? Is that right?

24 A. Correct.

1 Q. And then the next position would have
2 been the end of February when you told Brust that
3 this time you were not going to turn it down. Is
4 that right?

5 A. Correct.

6 Q. And that would have been Exhibit 14, if
7 the job opens -- "If the job gets down to me this
8 time I'm taking it"?

9 A. Yes.

10 MR. COGLIANESE: Okay. I think it's
11 clear as mud. I don't have anything further. Did
12 you want to --

13 MR. GITTES: No. I have nothing
14 further. I am afraid to ask anything further now.

15 MR. COGLIANESE: Officer Shaw, I do want
16 to thank you for taking the time and coming over
17 here today and talking to us.

18 (Discussion off the record.)

19 MR. GITTES: Yes, we will sign.

20 (Signature not waived.)

21 (Deposition concluded at 2:00 p.m.)

22 - - -

23

24

AFFIDAVIT

State of Ohio:

SS:

County of _____:

I, Karl D. Shaw, do hereby certify that I have read the foregoing transcript of my deposition given on Monday, July 1, 2019; that together with the correction page attached hereto noting changes in form or substance, if any, it is true and correct.

Karl D. Shaw

I do hereby certify that the foregoing transcript of the deposition of Karl D. Shaw was submitted to the witness for reading and signing; that after he had stated to the undersigned Notary Public that he had read and examined his deposition, he signed the same in my presence on the _____ day of _____, 20____.

Notary Public, State of
Ohio

My commission expires:

- - -

1 CERTIFICATE

2 State of Ohio:

SS:


3 County of Union:
4

5 I, Jane M. Ferrante, a Notary Public in
6 and for the State of Ohio, certify that the within
7 named Karl D. Shaw was by me duly sworn to testify
8 to the whole truth in the cause aforesaid, that the
9 testimony was taken down by me in the presence of
10 said witness, afterwards transcribed by computer;
11 that the foregoing is a true and correct transcript
12 of the testimony given by said witness taken at the
13 time and place in the foregoing caption specified
14 and was completed without adjournment.

15 I do certify that I am not a relative,
16 employee or attorney of any of the parties, or of
17 any attorney or counsel employed by the parties, or
18 financially interested in the action.

19 IN WITNESS WHEREOF, I have hereunto set my
20 hand and affixed my seal of office at Dublin, Ohio,
21 on this 15th day of July 2019.

22
23 My commission expires
24 October 17, 2021



Jane M. Ferrante
Registered Merit Reporter

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|--|--|--|----------|--|--|--|
| | 157:12, 157:15, 158:17, 160:14, 160:15 1st [3] - 31:23, 32:7, 147:13 | 25th [1] - 147:4 26 [1] - 9:1 28 [3] - 3:10, 125:18, 125:20 29 [3] - 3:9, 121:23, 121:24 2:00 [1] - 161:21 2:18-cv-483 [1] - 1:8 | 9 | admin [5] - 11:10, 11:13, 12:1, 35:15, 155:7 administrative [3] - 25:11, 26:20, 27:3 administratively [3] - 25:9, 25:15, 26:15 admit [1] - 152:11 advise [1] - 62:2 affairs [12] - 92:14, 98:21, 98:22, 98:23, 112:13, 112:14, 125:12, 131:9, 134:9, 136:7, 139:10, 140:6 affect [1] - 112:2 affects [1] - 26:11 AFFIDAVIT [1] - 162:1 afraid [1] - 161:14 African [8] - 38:10, 38:17, 39:2, 40:3, 42:7, 42:10, 49:11, 89:7 African-American [7] - 38:10, 38:17, 39:2, 40:3, 42:7, 42:10, 89:7 African-Americans [1] - 49:11 Afternoon [1] - 106:1 AG's [1] - 20:3 agencies [1] - 20:7 agenda [3] - 53:22, 59:9, 59:12 agendas [1] - 54:2 agent [2] - 20:11, 20:15 aggressive [1] - 135:4 ago [5] - 8:5, 44:16, 52:19, 79:3, 118:4 agree [2] - 16:8, 140:10 agreed [2] - 122:22, 123:10 Agreement [2] - 3:9, 121:24 agreement [3] - 122:6, 122:7, 123:18 ahead [19] - 5:9, 8:18, 54:8, 60:16, 60:18, 64:13, 83:3, 90:5, 99:14, 99:19, 124:8, 126:3, 133:4, 138:14, 139:20, 139:21, 154:9, 157:2, 159:20 aka [1] - 15:20 Akron [1] - 32:4 al [1] - 1:9 alarming [1] - 127:18 | | |
| '13 [6] - 12:10, 19:2, 33:22, 38:22, 43:13, 43:16 '14 [1] - 84:18 '15 [16] - 12:11, 19:2, 33:22, 37:24, 38:22, 40:2, 43:13, 43:17, 45:11, 63:3, 84:19, 84:20, 103:12, 119:7, 124:1, 130:16 '16 [1] - 119:7 '92 [1] - 31:11 '93 [1] - 31:10 | 2 | 3 | A | | | |
| 1 | 2 [1] - 152:18 2-10-2015 [2] - 3:8, 119:10 2-25-2015 [2] - 3:9, 124:5 2-9-2015 [2] - 3:8, 119:10 20 [6] - 126:6, 153:19, 155:22, 157:5, 157:7, 157:20 2004 [1] - 23:22 2007 [1] - 23:17 2010 [1] - 22:14 2013 [9] - 37:24, 40:2, 40:14, 40:16, 41:3, 42:4, 42:11, 45:10, 63:2 2014 [4] - 33:7, 103:11, 126:6, 140:5 2015 [25] - 12:5, 12:6, 37:14, 38:1, 39:4, 40:14, 40:16, 41:3, 42:4, 42:11, 46:14, 83:7, 103:13, 118:20, 118:24, 119:2, 120:1, 120:9, 120:13, 126:16, 126:19, 133:11, 133:19, 147:6, 157:1 2018 [4] - 155:1, 155:4, 155:7, 155:10 2019 [4] - 1:19, 4:2, 106:2, 162:7 20 [1] - 162:19 21 [5] - 153:19, 155:22, 157:5, 157:20, 157:23 22 [14] - 3:12, 153:8, 153:19, 154:5, 155:22, 155:24, 157:6, 157:9, 157:12, 157:14, 157:23, 158:18, 160:14, 160:15 23 [4] - 154:16, 154:24, 155:1, 155:14 23-24 [2] - 3:12, 154:20 24 [4] - 154:18, 154:24, 155:1, 155:14 25 [2] - 124:15, 147:6 | 3 [1] - 152:21 3-1-2015 [1] - 157:16 30 [1] - 28:6 30,000-foot [1] - 100:19 313774 [1] - 122:11 395 [1] - 2:5 3:00 [1] - 10:20 | 4 | a.m [2] - 1:19, 10:20 abandoned [1] - 30:10 abatements [1] - 14:18 ability [2] - 8:16, 99:13 able [14] - 15:11, 28:4, 28:11, 43:3, 43:11, 52:22, 53:2, 81:14, 82:7, 89:20, 90:8, 91:7, 99:21, 112:19 abolished [15] - 11:21, 25:16, 25:17, 25:21, 26:10, 26:12, 26:14, 84:1, 84:7, 84:10, 84:13, 115:22, 126:13, 159:19, 160:2 abolishing [2] - 26:1, 124:22 Abolishment [2] - 3:10, 125:18 abolishment [2] - 26:23, 126:4 absolutely [2] - 76:11, 86:12 abuse [4] - 24:3, 24:21, 25:6, 27:2 academy [6] - 31:4, 31:13, 32:19, 32:24, 71:9, 128:22 accept [3] - 46:24, 49:14, 49:15 access [2] - 52:22, 53:2 accident [1] - 105:11 accurate [1] - 49:17 ACL [1] - 27:17 acquaintance [2] - 33:13, 33:14 acronym [2] - 76:16, 76:17 ACSIS [1] - 82:9 acting [1] - 134:23 action [7] - 100:3, 100:6, 100:20, 137:15, 139:12, 139:14, 148:7 activity [2] - 89:9, 100:1 actual [1] - 73:17 addressed [1] - 29:3 addresses [1] - 58:12 | | |
| | | 4 | | | | |
| | | 4-7-2015 [2] - 3:10, 141:14 43016 [1] - 1:23 43205 [1] - 2:3 43215 [2] - 2:6, 2:9 | | | | |
| | | 5 | | | | |
| | | 5 [1] - 3:3 50A [4] - 53:20, 53:22, 54:3, 54:5 5:30 [1] - 122:17 5K [1] - 10:7 | | | | |
| | | 6 | | | | |
| | | 6-16 [1] - 158:3 60 [1] - 24:17 60-day [1] - 24:15 614 [1] - 1:23 | | | | |
| | | 7 | | | | |
| | | 70 [6] - 26:14, 108:4, 108:8, 115:16, 118:14, 120:15 70-day [1] - 26:17 7089 [1] - 1:22 7220607 [2] - 157:10, 157:13 723 [1] - 2:3 733-0158 [1] - 1:23 77 [2] - 1:18, 2:9 7:00 [1] - 10:20 | | | | |
| | | 8 | | | | |
| | | 82nd [1] - 31:8 83rd [1] - 31:8 | | | | |

| | | | | |
|--|---|---|---|---|
| <p>allegations [1] - 56:5</p> <p>Allen [21] - 110:23, 110:24, 111:3, 111:16, 114:15, 116:22, 117:20, 119:3, 120:12, 124:17, 144:6, 145:5, 145:6, 146:2, 150:20, 151:12, 151:18, 151:22, 156:10, 156:18, 156:23</p> <p>Allen's [1] - 111:1</p> <p>allow [5] - 43:7, 43:9, 83:22, 158:24, 159:11</p> <p>allowed [11] - 13:12, 17:5, 70:14, 113:9, 113:14, 122:19, 122:21, 123:2, 123:4, 128:15, 142:3</p> <p>almost [1] - 81:9</p> <p>alternative [2] - 43:3, 43:13</p> <p>American [7] - 38:10, 38:17, 39:2, 40:3, 42:7, 42:10, 89:7</p> <p>Americans [1] - 49:11</p> <p>Angeles [1] - 88:24</p> <p>anger [1] - 90:24</p> <p>answer [14] - 6:1, 6:6, 6:20, 6:23, 7:13, 7:22, 8:15, 35:20, 85:12, 99:20, 103:4, 126:2, 153:5</p> <p>answering [2] - 108:15, 108:17</p> <p>answers [1] - 6:13</p> <p>anytime [1] - 102:18</p> <p>apartment [1] - 10:8</p> <p>apes [1] - 61:11</p> <p>apologize [7] - 47:8, 57:11, 117:1, 126:19, 130:5, 139:19, 154:15</p> <p>APPEARANCES [1] - 2:1</p> <p>applicable [2] - 1:14, 4:8</p> <p>application [2] - 32:8, 155:4</p> <p>applications [1] - 154:5</p> <p>Applications [4] - 3:11, 3:12, 153:8, 154:20</p> <p>applied [2] - 32:9, 156:8</p> <p>apply [2] - 27:23, 128:20</p> | <p>applying [1] - 71:9</p> <p>approached [1] - 78:10</p> <p>approval [1] - 17:13</p> <p>approximate [1] - 95:16</p> <p>April [1] - 123:24</p> <p>AR [10] - 132:10, 132:17, 132:22, 133:8, 133:12, 133:19, 133:22, 133:24, 134:21, 134:24</p> <p>area [3] - 13:18, 13:19, 14:8</p> <p>areas [3] - 16:15, 16:17, 26:4</p> <p>armed [1] - 132:13</p> <p>arrest [1] - 101:22</p> <p>assault [2] - 101:9, 101:19</p> <p>assaults [1] - 101:7</p> <p>assigned [9] - 11:14, 11:18, 25:9, 25:15, 26:16, 27:10, 29:5, 33:3, 116:7</p> <p>Assignment [2] - 3:10, 125:18</p> <p>assignment [31] - 9:2, 10:24, 22:18, 23:24, 24:7, 24:15, 25:12, 25:16, 26:20, 27:3, 27:9, 28:18, 33:1, 33:2, 111:20, 111:21, 111:24, 115:17, 115:18, 123:23, 126:4, 126:16, 144:5, 148:14, 156:1, 156:3, 156:13, 157:9, 157:10, 157:12, 157:20</p> <p>assignments [2] - 26:2, 111:22</p> <p>Assistant [1] - 2:8</p> <p>assume [9] - 7:14, 47:22, 68:3, 75:23, 76:16, 78:21, 96:9, 132:6, 142:12</p> <p>assure [1] - 115:10</p> <p>ate [1] - 50:8</p> <p>ATF [10] - 127:19, 129:3, 129:18, 129:21, 130:2, 130:8, 133:7, 136:3, 136:10, 136:13</p> <p>ATF's [1] - 135:16</p> <p>attached [3] - 112:24, 113:2, 162:8</p> <p>attempt [1] - 27:23</p> | <p>attempted [1] - 110:14</p> <p>attended [1] - 29:3</p> <p>Attorney [3] - 1:17, 2:8, 137:7</p> <p>attorney [2] - 5:11, 13:24</p> <p>Attorney's [1] - 5:11</p> <p>attribute [1] - 114:5</p> <p>attributed [4] - 56:19, 59:21, 60:1, 60:21</p> <p>attributing [1] - 54:14</p> <p>audio [1] - 104:8</p> <p>August [5] - 83:7, 103:9, 103:11, 103:13, 159:16</p> <p>authority [1] - 99:7</p> <p>automatic [1] - 127:20</p> <p>available [1] - 116:13</p> <p>avenues [1] - 37:11</p> <p>avoid [1] - 85:7</p> <p>aware [3] - 8:14, 75:10, 95:3</p> | <p>99:15, 99:17, 106:21, 107:24</p> <p>between [9] - 119:21, 122:7, 124:11, 132:12, 141:20, 142:24, 146:20, 151:15, 151:19</p> <p>bias [2] - 140:16, 140:19</p> <p>bid [5] - 24:13, 67:5, 144:17, 145:14, 146:2</p> <p>big [2] - 22:13, 118:16</p> <p>Bill [3] - 14:1, 17:9, 17:10</p> <p>binoculars [1] - 34:24</p> <p>bit [5] - 35:3, 74:9, 108:5, 112:3, 128:23</p> <p>black [4] - 37:18, 38:6, 46:20, 128:13</p> <p>blacks [7] - 56:24, 57:2, 57:5, 61:10, 81:12, 85:1</p> <p>block [5] - 113:12, 113:15, 113:19, 114:6, 114:21</p> <p>blue [1] - 135:6</p> <p>boarded [2] - 14:20, 14:22</p> <p>Bobby [1] - 15:20</p> <p>Bodel [1] - 13:3</p> <p>book [1] - 153:5</p> <p>boot [1] - 22:24</p> <p>Boston [1] - 138:10</p> <p>bother [1] - 32:20</p> <p>bothered [1] - 37:9</p> <p>boys [1] - 10:16</p> <p>branch [1] - 31:18</p> <p>brand [1] - 108:15</p> <p>break [14] - 7:19, 7:23, 28:20, 28:22, 36:16, 41:12, 41:19, 41:23, 42:3, 42:16, 45:10, 73:22, 73:23, 106:7</p> <p>Brett [1] - 13:3</p> <p>Brick [1] - 15:20</p> <p>brief [2] - 73:10, 87:7</p> <p>bring [3] - 86:23, 86:24</p> <p>brings [2] - 85:20, 86:11</p> <p>Broad [1] - 2:5</p> <p>broke [1] - 74:3</p> <p>brothers [1] - 90:14</p> <p>brought [11] - 15:6, 33:16, 81:17, 81:21, 86:20, 94:23, 106:22, 127:6, 132:17, 133:6, 134:9</p> <p>Brown [1] - 2:5</p> | <p>Brust [49] - 71:1, 72:12, 74:5, 75:11, 84:24, 85:18, 85:20, 87:5, 89:16, 89:22, 97:5, 97:8, 97:14, 97:16, 97:22, 101:24, 102:6, 102:12, 103:16, 103:20, 106:10, 106:13, 106:16, 107:1, 107:15, 109:23, 115:10, 115:12, 117:6, 117:8, 118:2, 118:7, 118:19, 119:22, 124:12, 124:14, 145:17, 146:14, 146:18, 146:21, 146:23, 147:11, 147:15, 147:18, 149:16, 149:24, 152:23, 160:19, 161:2</p> <p>buildings [1] - 10:8</p> <p>bulletin [1] - 24:12</p> <p>bully [1] - 98:4</p> <p>bureau [2] - 87:1, 101:4</p> <p>burglars [1] - 12:18</p> <p>burglary [2] - 16:21</p> <p>buying [1] - 14:8</p> <p>buys [1] - 15:4</p> <p>BW-3s [1] - 50:1</p> |
| | | | | <p>C</p> <p>C.J [1] - 20:21</p> <p>California [6] - 81:18, 86:22, 88:6, 88:10, 88:16, 88:18</p> <p>camera [5] - 37:2, 37:5, 42:18, 43:15</p> <p>cameras [1] - 34:24</p> <p>Cameron [49] - 18:16, 18:17, 71:1, 72:13, 72:20, 73:18, 74:5, 75:14, 75:17, 75:20, 76:6, 76:10, 76:13, 77:8, 78:6, 78:16, 78:18, 78:20, 79:3, 79:9, 79:13, 79:16, 79:24, 80:7, 80:14, 80:17, 80:24, 81:4, 84:23, 85:3, 85:18, 86:6, 86:8, 86:19, 87:8, 89:16, 89:23, 97:5, 97:8, 98:4, 102:17, 104:15, 104:24, 105:4, 138:2, 138:3, 140:8, 149:16, 149:24</p> |

| | | | | |
|---|--|---|--|---|
| <p>Cameron's ^[1] - 87:12</p> <p>Camp ^[1] - 31:23</p> <p>canceled ^[11] - 70:9, 70:10, 121:13, 142:7, 152:19, 156:5, 158:5, 158:11, 158:15, 158:21, 160:19</p> <p>cancels ^[1] - 142:6</p> <p>cannot ^[1] - 8:15</p> <p>capable ^[2] - 134:23, 135:8</p> <p>car ^[1] - 142:5</p> <p>card ^[1] - 128:11</p> <p>career ^[1] - 104:2</p> <p>carry ^[3] - 19:22, 131:10, 132:3</p> <p>case ^[20] - 5:12, 5:16, 15:3, 15:6, 30:24, 57:23, 63:20, 64:11, 64:20, 64:21, 64:23, 65:17, 82:4, 99:15, 99:18, 127:23, 139:1, 140:13, 147:21</p> <p>Case ^[1] - 1:8</p> <p>cases ^[13] - 13:13, 13:16, 15:5, 24:22, 65:3, 65:12, 65:18, 66:1, 80:20, 105:7, 138:8, 138:10, 138:12</p> <p>Casner ^[2] - 22:4, 22:8</p> <p>catch ^[1] - 59:7</p> <p>Caucasian ^[1] - 89:7</p> <p>cell ^[1] - 58:15</p> <p>certain ^[7] - 15:1, 28:12, 30:1, 30:2, 30:17, 100:16, 134:19</p> <p>certified ^[1] - 5:3</p> <p>certify ^[2] - 162:5, 162:13</p> <p>chain ^[30] - 3:8, 3:9, 17:18, 39:10, 39:14, 51:13, 51:18, 51:23, 52:4, 53:23, 54:1, 62:8, 62:18, 62:20, 72:15, 107:9, 107:15, 107:17, 107:19, 107:22, 108:4, 108:9, 119:10, 119:21, 124:5, 124:11, 138:20, 141:20, 148:2, 149:7</p> <p>changed ^[4] - 20:19, 90:1, 115:11, 118:13</p> <p>changes ^[2] - 154:21, 162:9</p> | <p>changing ^[1] - 108:11</p> <p>character ^[1] - 4:13</p> <p>charge ^[6] - 34:23, 35:16, 135:12, 141:12, 155:3, 160:3</p> <p>charged ^[1] - 14:15</p> <p>charges ^[7] - 98:13, 98:14, 98:16, 99:3, 99:7, 99:11, 137:12</p> <p>charity ^[1] - 27:14</p> <p>chatted ^[1] - 126:21</p> <p>chief ^[8] - 11:15, 26:5, 26:19, 98:24, 148:8, 148:21, 152:19, 158:11</p> <p>Chief ^[5] - 11:16, 11:18, 26:7, 126:6, 158:14</p> <p>China ^[1] - 130:9</p> <p>choice ^[1] - 112:12</p> <p>chose ^[1] - 69:17</p> <p>Chrysler ^[1] - 104:24</p> <p>circumstances ^[1] - 100:10</p> <p>citizens ^[1] - 29:4</p> <p>city ^[3] - 12:17, 13:24, 30:20</p> <p>City ^[8] - 1:9, 1:17, 2:8, 5:11, 5:13, 8:22, 52:8, 62:13</p> <p>Civil ^[2] - 1:14, 4:8</p> <p>clarification ^[1] - 54:5</p> <p>clarified ^[1] - 153:3</p> <p>clarify ^[2] - 40:5, 40:13</p> <p>Clark ^[2] - 25:1, 25:3</p> <p>class ^[5] - 31:4, 31:6, 32:24, 37:3</p> <p>clean ^[3] - 6:5, 57:12, 142:20</p> <p>clean-up ^[1] - 142:20</p> <p>clear ^[15] - 7:1, 7:2, 7:4, 7:11, 35:18, 37:22, 72:1, 78:15, 85:11, 88:8, 97:3, 129:7, 145:15, 152:5, 161:11</p> <p>clearer ^[1] - 61:4</p> <p>closed ^[1] - 158:9</p> <p>closing ^[1] - 158:1</p> <p>clue ^[1] - 116:8</p> <p>coffee ^[1] - 73:22</p> <p>Coglianesese ^[7] - 2:8, 3:3, 3:4, 5:5, 5:10, 106:5, 150:19</p> <p>COGLIANESE ^[40] - 16:12, 21:8, 21:10, 40:15, 41:13, 41:16, 41:23, 42:1, 42:13, 60:16, 60:18, 61:3, 61:8, 73:23, 74:1,</p> | <p>82:24, 84:5, 85:9, 90:6, 103:2, 105:12, 106:6, 111:11, 119:13, 126:1, 143:13, 143:19, 146:10, 147:22, 148:10, 149:18, 150:15, 153:7, 153:13, 153:18, 154:15, 159:3, 159:6, 161:10, 161:15</p> <p>coherent ^[1] - 43:24</p> <p>college ^[1] - 128:15</p> <p>color ^[2] - 91:6, 91:8</p> <p>Columbus ^[22] - 1:9, 1:17, 1:18, 2:3, 2:6, 2:8, 2:9, 5:13, 8:22, 32:5, 32:8, 52:8, 52:15, 52:23, 62:14, 99:24, 102:23, 103:23, 124:22, 127:7, 137:17, 150:13</p> <p>coming ^[5] - 28:8, 72:15, 86:10, 156:7, 161:16</p> <p>command ^[19] - 39:10, 51:13, 51:19, 51:23, 52:5, 53:23, 54:1, 62:9, 62:18, 62:20, 107:9, 107:16, 107:17, 107:20, 107:22, 108:4, 108:9, 138:20, 149:7</p> <p>commander ^[5] - 18:14, 18:22, 77:17, 78:1, 78:10</p> <p>Commander ^[20] - 18:16, 71:1, 72:13, 72:20, 74:5, 75:14, 75:16, 75:20, 76:6, 76:10, 76:13, 77:8, 78:6, 84:23, 86:7, 86:19, 138:2, 138:3, 149:16, 149:24</p> <p>comment ^[2] - 57:13, 98:2</p> <p>comments ^[28] - 39:10, 46:3, 46:19, 47:4, 49:16, 50:17, 51:23, 52:7, 54:3, 54:9, 54:14, 55:9, 56:15, 57:17, 59:24, 61:9, 65:17, 66:3, 81:8, 81:9, 81:10, 109:19, 126:22, 127:12, 131:8, 138:4, 138:16</p> <p>commission ^[1] -</p> | <p>162:22</p> <p>common ^[6] - 46:22, 49:13, 51:13, 51:14, 134:13, 136:22</p> <p>communicated ^[1] - 149:15</p> <p>community ^[4] - 28:23, 29:1, 29:3, 29:16</p> <p>complained ^[2] - 93:7, 93:21</p> <p>complaining ^[5] - 14:1, 53:20, 93:8, 138:5, 138:6</p> <p>complaint ^[8] - 136:3, 136:9, 136:12, 137:6, 139:6, 139:7, 139:15, 139:16</p> <p>complaints ^[1] - 29:4</p> <p>completed ^[1] - 44:7</p> <p>completely ^[1] - 85:12</p> <p>completion ^[1] - 15:12</p> <p>computer ^[1] - 58:24</p> <p>concentrate ^[2] - 13:22, 16:16</p> <p>concentrated ^[1] - 16:17</p> <p>concerns ^[1] - 147:21</p> <p>concluded ^[1] - 161:21</p> <p>conclusion ^[9] - 14:10, 14:13, 72:3, 72:4, 76:14, 90:7, 115:1, 125:5, 131:6</p> <p>conducting ^[1] - 71:2</p> <p>conducts ^[1] - 101:8</p> <p>confer ^[1] - 159:5</p> <p>conference ^[2] - 85:21, 143:20</p> <p>confirmed ^[1] - 94:16</p> <p>confronted ^[1] - 87:23</p> <p>confused ^[6] - 84:4, 146:4, 147:20, 152:6, 153:1, 158:7</p> <p>confusing ^[2] - 7:5, 144:23</p> <p>confusion ^[4] - 85:7, 153:4, 156:5, 156:7</p> <p>consent ^[1] - 88:24</p> <p>considered ^[2] - 65:20, 98:4</p> <p>contacted ^[3] - 68:22, 97:14, 97:16</p> <p>contests ^[1] - 7:19</p> <p>continue ^[2] - 6:22, 106:9</p> <p>continued ^[1] - 138:24</p> <p>Continued ^[1] - 106:4</p> <p>continuing ^[1] - 151:6</p> <p>conversation ^[38] -</p> | <p>6:11, 46:8, 46:11, 47:3, 47:7, 47:13, 48:2, 48:5, 48:11, 48:14, 48:21, 48:24, 49:6, 49:18, 49:24, 50:5, 50:6, 50:9, 50:11, 50:13, 51:7, 73:8, 77:10, 80:10, 80:13, 80:17, 87:7, 97:7, 101:23, 103:16, 104:14, 109:22, 124:24, 125:9, 130:13, 130:24, 146:21, 147:15</p> <p>conversations ^[20] - 44:11, 44:13, 46:2, 73:4, 78:10, 92:16, 92:22, 93:5, 93:14, 93:16, 93:19, 94:3, 94:13, 103:3, 103:21, 103:23, 104:6, 134:13, 134:20, 140:4</p> <p>convicted ^[1] - 14:16</p> <p>convictions ^[2] - 15:9, 15:13</p> <p>copied ^[1] - 39:22</p> <p>copies ^[1] - 153:21</p> <p>copy ^[3] - 91:14, 99:9, 99:16</p> <p>Cornett ^[45] - 13:3, 39:8, 45:2, 45:15, 53:16, 53:20, 54:14, 54:20, 54:23, 55:6, 55:8, 55:13, 55:19, 56:11, 56:20, 57:6, 57:16, 58:10, 58:16, 58:17, 59:12, 59:13, 59:16, 60:11, 60:12, 60:22, 61:14, 62:8, 62:12, 62:17, 62:19, 91:21, 94:1, 94:4, 94:18, 95:3, 95:7, 95:12, 95:13, 95:22, 95:23, 96:4, 96:12, 96:20</p> <p>Cornett's ^[1] - 96:18</p> <p>correct ^[67] - 12:23, 28:13, 41:10, 41:22, 54:16, 54:21, 55:3, 55:10, 55:11, 57:14, 57:15, 57:17, 57:19, 60:13, 63:6, 68:19, 78:22, 80:11, 87:13, 87:16, 87:17, 88:10, 88:11, 89:1, 96:10, 96:11, 101:24, 102:1, 108:10, 108:22, 109:15,</p> |
|---|--|---|--|---|

| | | | | |
|--|--|---|--|---|
| <p>109:23, 116:14, 116:19, 117:20, 118:6, 118:15, 120:2, 120:13, 120:14, 121:16, 122:9, 122:10, 123:7, 123:12, 123:19, 129:5, 129:6, 131:12, 132:1, 143:11, 148:4, 151:1, 151:2, 151:5, 151:8, 151:11, 151:14, 151:20, 152:3, 152:4, 152:20, 154:7, 154:8, 160:24, 161:5, 162:10</p> <p>corrected [2] - 80:24, 81:4</p> <p>correction [1] - 162:8</p> <p>correctly [2] - 22:13, 49:7</p> <p>corridor [1] - 17:11</p> <p>corrupt [1] - 88:21</p> <p>counsel [2] - 4:5, 159:5</p> <p>count [1] - 40:8</p> <p>County [1] - 162:4</p> <p>couple [6] - 5:21, 80:23, 91:22, 100:5, 118:3, 120:17</p> <p>course [2] - 8:7, 51:6</p> <p>court [2] - 58:14, 58:22</p> <p>COURT [2] - 1:2, 1:22</p> <p>courtesy [1] - 136:23</p> <p>CPD [14] - 8:24, 9:15, 16:15, 20:9, 20:12, 24:11, 26:10, 28:10, 32:17, 52:8, 71:8, 123:5, 129:19, 137:23</p> <p>credentials [2] - 43:6, 43:8</p> <p>criminal [8] - 9:12, 98:14, 98:16, 99:3, 99:7, 100:1, 100:19, 135:12</p> <p>cruiser [1] - 142:5</p> <p>Curmode [1] - 18:17</p> <p>current [1] - 9:2</p> <p>custody [2] - 10:15, 116:3</p> <p>cut [2] - 133:4, 140:2</p> | <p>115:21, 115:22</p> <p>daily [2] - 24:12, 55:15</p> <p>data [2] - 82:8, 86:14</p> <p>date [9] - 50:3, 72:15, 103:10, 118:23, 125:15, 139:8, 157:1, 157:15, 157:16</p> <p>dated [3] - 119:24, 120:1, 126:6</p> <p>dates [3] - 23:21, 119:6, 158:1</p> <p>Dave [3] - 110:23, 124:17, 145:6</p> <p>day-to-day [1] - 108:11</p> <p>days [12] - 9:10, 9:11, 24:17, 26:14, 28:6, 28:12, 28:21, 108:5, 108:8, 115:16, 118:14, 120:15</p> <p>DEA [10] - 111:16, 112:1, 145:8, 151:1, 151:3, 151:7, 151:9, 151:13, 151:20, 151:23</p> <p>deal [2] - 72:5, 74:19</p> <p>dealing [7] - 29:22, 30:6, 44:20, 79:16, 95:3, 104:1, 104:3</p> <p>December [1] - 126:6</p> <p>decide [5] - 29:15, 31:12, 105:2, 105:8, 107:2</p> <p>decided [4] - 91:2, 102:18, 112:4, 159:11</p> <p>deciding [1] - 13:21</p> <p>decision [4] - 97:20, 102:11, 131:20, 148:8</p> <p>Decker [7] - 50:4, 50:6, 92:14, 99:11, 125:11, 125:16, 136:8</p> <p>declined [1] - 160:22</p> <p>decree [1] - 88:24</p> <p>Defendant's [2] - 146:23, 147:6</p> <p>defendant's [1] - 16:3</p> <p>Defendants [4] - 1:10, 1:13, 2:10, 4:7</p> <p>defendants [1] - 5:12</p> <p>defendants' [1] - 15:15</p> <p>define [2] - 7:10, 39:16</p> <p>defined [3] - 42:12, 42:13, 129:8</p> <p>definition [3] - 39:24,</p> | <p>55:7, 65:23</p> <p>delete [2] - 91:15, 105:11</p> <p>deleted [1] - 104:7</p> <p>delivered [1] - 136:17</p> <p>demonstrate [1] - 128:16</p> <p>Department [5] - 52:15, 88:23, 89:1, 122:9, 127:7</p> <p>department [5] - 32:9, 32:10, 68:8, 98:23, 128:5</p> <p>department's [1] - 26:1</p> <p>depo [1] - 61:5</p> <p>deposed [1] - 118:3</p> <p>deposes [1] - 5:3</p> <p>Deposition [4] - 1:12, 124:7, 141:17, 161:21</p> <p>deposition [7] - 4:6, 5:15, 8:7, 117:13, 162:7, 162:14, 162:18</p> <p>depositions [1] - 5:16</p> <p>Deputy [1] - 158:14</p> <p>derogatory [1] - 46:19</p> <p>describe [3] - 33:12, 36:23, 77:10</p> <p>description [1] - 35:15</p> <p>desk [1] - 87:21</p> <p>detective [3] - 68:5, 101:5, 129:12</p> <p>Detective [8] - 72:19, 129:14, 129:17, 130:23, 131:11, 132:20, 133:10, 145:4</p> <p>device [3] - 37:6, 150:10, 150:14</p> <p>devices [1] - 35:1</p> <p>difference [2] - 120:17, 132:12</p> <p>differences [1] - 35:21</p> <p>different [22] - 12:22, 28:19, 29:17, 34:1, 34:8, 34:15, 35:2, 35:8, 44:19, 91:5, 100:11, 111:14, 111:15, 111:18, 112:12, 115:21, 128:8, 132:15, 149:22, 156:2, 158:1, 160:16</p> <p>difficult [1] - 6:14</p> <p>direct [5] - 39:20, 41:4, 41:6, 42:9</p> <p>directives [3] - 52:22, 53:2, 53:4</p> | <p>directly [4] - 33:19, 39:22, 40:11, 41:20</p> <p>director [1] - 104:15</p> <p>Director [2] - 104:18, 104:21</p> <p>disagreed [1] - 87:16</p> <p>disagreeing [1] - 87:19</p> <p>disbanded [1] - 33:5</p> <p>discharge [1] - 32:1</p> <p>disclosures [1] - 16:9</p> <p>discrimination [4] - 127:6, 127:8, 140:12, 140:15</p> <p>discriminatory [8] - 127:3, 127:16, 128:2, 128:12, 137:19, 141:3, 143:7, 151:24</p> <p>discussed [2] - 145:20, 146:14</p> <p>discussing [1] - 147:1</p> <p>Discussion [6] - 16:7, 21:9, 85:8, 105:14, 159:8, 161:18</p> <p>discussion [1] - 146:9</p> <p>dislocated [1] - 27:18</p> <p>disorderly [1] - 101:7</p> <p>dispute [3] - 81:23, 86:16, 156:22</p> <p>District [1] - 137:7</p> <p>DISTRICT [2] - 1:2, 1:3</p> <p>dive [4] - 128:7, 128:10, 128:20</p> <p>divide [1] - 13:10</p> <p>Division [7] - 8:22, 52:23, 99:24, 102:24, 103:23, 124:22, 137:17</p> <p>DIVISION [1] - 1:4</p> <p>division [1] - 86:24</p> <p>document [1] - 102:13</p> <p>documentation [1] - 102:5</p> <p>documented [1] - 86:13</p> <p>Donald [1] - 15:16</p> <p>done [14] - 55:23, 62:5, 78:2, 107:7, 107:12, 113:19, 114:20, 139:23, 139:24, 140:1, 143:15, 143:16, 153:23, 154:18</p> <p>dope [1] - 88:20</p> <p>doubt [1] - 136:19</p> <p>Doug [3] - 17:2, 35:6, 39:11</p> <p>Douglas [1] - 8:20</p> <p>down [30] - 6:15,</p> | <p>16:19, 30:9, 37:1, 37:6, 37:10, 40:10, 45:10, 54:10, 67:5, 67:18, 79:24, 86:23, 86:24, 97:10, 104:23, 106:11, 107:11, 109:21, 118:21, 120:5, 124:16, 129:13, 135:20, 149:14, 152:12, 152:22, 161:3, 161:7</p> <p>drew [1] - 32:5</p> <p>drug [1] - 15:4</p> <p>drugs [7] - 12:18, 13:19, 14:2, 14:8, 16:23, 19:13, 105:7</p> <p>dual [1] - 111:22</p> <p>DUBLIN [1] - 1:23</p> <p>duly [1] - 5:2</p> <p>during [23] - 26:17, 27:23, 38:3, 38:21, 40:16, 44:1, 48:2, 48:5, 48:10, 51:6, 53:1, 76:23, 81:8, 81:15, 81:21, 84:23, 86:8, 86:19, 87:6, 87:12, 87:14, 87:19, 120:21</p> <p>duties [1] - 10:9</p> <p>duty [5] - 9:22, 9:24, 10:4, 10:6, 28:9</p> |
| E | | | | |
| <p>E-Mail [6] - 3:8, 3:9, 3:10, 119:10, 124:5, 141:14</p> <p>e-mail [55] - 39:9, 39:14, 39:22, 40:19, 40:20, 40:22, 41:8, 41:9, 41:10, 41:20, 44:23, 45:15, 45:17, 53:15, 53:18, 53:19, 53:23, 54:13, 54:19, 54:20, 55:12, 55:15, 55:23, 56:5, 56:11, 57:4, 57:8, 57:9, 57:10, 57:14, 57:16, 59:14, 59:16, 59:22, 60:1, 60:7, 60:10, 60:11, 60:12, 61:15, 69:7, 70:23, 72:14, 91:14, 97:17, 119:20, 119:21, 119:24, 124:11, 124:14, 141:20, 147:4</p> <p>e-mailed [1] - 146:17</p> <p>e-mails [1] - 138:5</p> <p>Eagle [1] - 10:8</p> | | | | |

| | | | | | |
|---|--|--|---|---|--|
| <p>earliest [1] - 119:24</p> <p>early [6] - 46:13, 68:9, 118:19, 118:24, 120:19, 128:24</p> <p>EARS [3] - 76:15, 76:17, 81:22</p> <p>easier [3] - 66:24, 67:1, 79:11</p> <p>easiest [1] - 153:16</p> <p>East [5] - 2:5, 9:3, 9:6, 10:18, 10:24</p> <p>EASTERN [1] - 1:4</p> <p>Echenrode [4] - 65:3, 108:14, 108:23, 109:3</p> <p>EEO [1] - 52:17</p> <p>effect [5] - 86:23, 90:11, 112:21, 113:7, 159:16</p> <p>effective [3] - 156:24, 157:15</p> <p>efficient [1] - 61:6</p> <p>Ehrenborg [15] - 58:5, 70:11, 70:21, 71:3, 82:20, 93:11, 148:2, 148:17, 148:20, 149:6, 149:11, 150:4, 152:18, 160:7, 160:20</p> <p>eight [5] - 25:23, 27:5, 27:12, 27:20, 44:16</p> <p>either [6] - 20:20, 31:7, 52:8, 54:24, 141:3, 143:10</p> <p>eligible [2] - 10:4, 10:9</p> <p>emotions [1] - 91:5</p> <p>employed [1] - 8:21</p> <p>employers [1] - 20:7</p> <p>Employment [1] - 52:7</p> <p>employment [2] - 52:14, 102:23</p> <p>end [5] - 13:21, 14:6, 82:14, 107:11, 161:2</p> <p>ended [3] - 14:14, 88:23, 124:22</p> <p>endurance [1] - 7:18</p> <p>enforce [1] - 9:12</p> <p>enforcement [7] - 12:14, 12:16, 33:3, 34:9, 36:14, 55:14, 125:3</p> <p>engage [2] - 100:5, 101:15</p> <p>entering [1] - 88:23</p> <p>entire [2] - 73:1, 104:1</p> <p>entitled [1] - 53:5</p> <p>Equal [1] - 52:7</p> <p>equal [1] - 52:13</p> <p>equipment [19] - 34:24, 35:12, 36:1,</p> | <p>36:10, 36:19, 36:24, 37:10, 37:11, 37:16, 38:4, 42:17, 42:21, 43:4, 43:10, 43:12, 43:19, 43:22, 44:10, 54:11</p> <p>erase [1] - 105:8</p> <p>Eric [25] - 13:3, 33:10, 44:24, 45:6, 54:9, 58:16, 63:22, 65:11, 72:20, 81:9, 82:13, 86:4, 93:8, 93:16, 94:20, 94:23, 96:3, 103:10, 104:11, 114:7, 117:9, 129:24, 131:7, 145:13</p> <p>Ernie [4] - 110:3, 152:14, 152:15, 152:24</p> <p>establishments [1] - 23:1</p> <p>et [1] - 1:9</p> <p>ethics [1] - 81:13</p> <p>Evans [10] - 90:17, 90:18, 92:4, 92:5, 92:8, 92:11, 92:12, 96:15, 96:17, 134:4</p> <p>eventually [2] - 70:8</p> <p>evidence [1] - 137:13</p> <p>evolve [1] - 19:15</p> <p>evolved [1] - 19:14</p> <p>exact [7] - 50:3, 84:15, 92:23, 103:10, 131:13, 139:8, 156:2</p> <p>exactly [3] - 31:7, 38:18, 44:14</p> <p>EXAMINATION [4] - 5:4, 106:4, 144:1, 150:18</p> <p>Examination [1] - 3:2</p> <p>examined [1] - 162:18</p> <p>example [2] - 10:5, 101:5</p> <p>examples [1] - 42:18</p> <p>except [1] - 157:14</p> <p>excuse [1] - 142:9</p> <p>excused [1] - 62:5</p> <p>execute [1] - 76:18</p> <p>executed [2] - 77:22, 80:23</p> <p>exhibit [2] - 146:18, 160:14</p> <p>Exhibit [21] - 119:9, 119:10, 119:17, 121:23, 121:24, 124:5, 124:7, 124:9, 125:18, 125:20, 141:14, 141:17, 142:19, 146:23,</p> | <p>147:7, 153:8, 154:20, 157:23, 158:17, 158:18, 161:6</p> <p>Exhibits [2] - 3:7, 155:14</p> <p>exhibits [1] - 153:10</p> <p>expect [3] - 90:12, 90:14, 135:7</p> <p>expires [1] - 162:22</p> <p>explain [11] - 26:9, 37:20, 75:23, 99:23, 106:16, 122:14, 145:3, 152:8, 154:2, 154:10, 154:12</p> <p>explained [3] - 60:24, 106:20, 106:22</p> <p>explaining [1] - 60:13</p> <p>explanation [2] - 150:3, 150:4</p> <p>expressed [1] - 139:10</p> <p>extent [3] - 43:23, 44:17, 139:19</p> <p>extra [1] - 108:6</p> | <p>F</p> <p>F.O.P. [10] - 112:11, 112:16, 123:9, 124:24, 125:1, 125:4, 125:7, 125:14, 130:1</p> <p>fact [9] - 60:23, 71:23, 81:23, 86:11, 86:20, 88:22, 117:7, 117:19, 118:14</p> <p>factor [2] - 120:16, 120:19</p> <p>facts [7] - 60:3, 65:19, 98:24, 101:20, 112:17, 114:5, 140:13</p> <p>Fagan [1] - 15:16</p> <p>fair [10] - 7:15, 7:23, 8:11, 18:6, 29:13, 30:3, 32:16, 64:2, 72:3, 131:17</p> <p>fairly [2] - 21:17, 22:10</p> <p>fall [8] - 33:7, 83:9, 84:14, 84:18, 84:19, 84:20, 121:4, 140:5</p> <p>familiar [1] - 5:17</p> <p>family [2] - 91:2, 91:10</p> <p>far [10] - 5:24, 35:21, 49:17, 53:4, 55:5, 55:20, 58:14, 82:19, 110:9, 127:17</p> <p>Farrell [1] - 130:2</p> <p>fast [1] - 32:13</p> | <p>fault [1] - 78:13</p> <p>FBI [1] - 138:9</p> <p>fear [1] - 90:24</p> <p>February [11] - 118:20, 118:24, 119:2, 120:1, 120:13, 120:18, 120:20, 124:15, 130:15, 147:6, 161:2</p> <p>Federal [2] - 1:14, 4:8</p> <p>federal [2] - 135:15, 135:19</p> <p>Fegan [1] - 15:16</p> <p>fell [1] - 121:2</p> <p>fellow [1] - 20:17</p> <p>felon [5] - 39:7, 54:6, 55:17, 55:20, 57:23</p> <p>felons [1] - 16:19</p> <p>felt [7] - 18:6, 61:20, 75:22, 106:14, 106:17, 128:12, 142:3</p> <p>Ferrante [1] - 1:15</p> <p>FERRANTE [1] - 1:21</p> <p>Fester [1] - 125:8</p> <p>few [4] - 14:20, 92:23, 94:5, 107:13</p> <p>fight [3] - 46:21, 49:12, 135:5</p> <p>figure [7] - 27:13, 72:21, 74:15, 74:18, 93:22, 114:4, 132:11</p> <p>file [12] - 98:16, 99:2, 99:7, 99:13, 112:7, 112:15, 135:12, 136:3, 136:9, 136:12, 137:6, 139:7</p> <p>filed [9] - 5:13, 98:13, 99:11, 99:12, 123:8, 139:5, 139:9, 139:14, 157:24</p> <p>filing [2] - 123:9, 139:16</p> <p>fill [16] - 17:15, 28:5, 28:11, 76:18, 76:19, 76:24, 114:1, 121:15, 121:17, 121:18, 121:19, 122:19, 122:21, 123:4, 143:10</p> <p>filled [16] - 25:13, 93:9, 93:21, 109:2, 110:1, 119:3, 120:12, 121:6, 121:20, 121:21, 123:22, 124:18, 145:23, 147:1, 147:2, 147:8</p> <p>filling [3] - 84:6, 110:18, 126:23</p> | <p>final [2] - 8:13, 97:19</p> <p>finally [1] - 24:9</p> <p>fine [4] - 8:6, 25:22, 67:2, 78:14</p> <p>finish [2] - 64:3, 64:5</p> <p>Fire [1] - 128:14</p> <p>fired [3] - 96:8, 135:3, 155:6</p> <p>first [56] - 5:2, 5:23, 19:12, 21:3, 21:24, 22:1, 22:4, 23:4, 25:10, 33:17, 34:3, 46:10, 47:3, 47:9, 47:10, 47:12, 48:2, 48:15, 48:16, 48:17, 49:2, 64:16, 67:3, 67:4, 67:21, 68:7, 69:21, 77:12, 79:23, 82:4, 84:12, 84:17, 85:20, 92:21, 94:2, 97:19, 102:21, 102:22, 108:18, 115:22, 116:6, 116:13, 123:19, 125:10, 125:11, 125:17, 128:5, 128:8, 138:22, 146:24, 148:1, 148:24, 149:5, 149:6</p> <p>firsthand [13] - 38:24, 39:5, 39:19, 40:1, 40:2, 42:6, 42:9, 55:7, 55:8, 65:21, 65:24, 129:4, 129:7</p> <p>fit [4] - 10:14, 118:17, 132:8, 132:10</p> <p>five [8] - 8:5, 14:18, 80:21, 93:2, 93:3, 94:6, 94:10</p> <p>flip [1] - 156:15</p> <p>focus [4] - 13:18, 38:22, 43:16, 124:13</p> <p>folks [2] - 13:6, 16:14</p> <p>follow [2] - 120:11, 143:18</p> <p>follow-up [2] - 120:11, 143:18</p> <p>following [2] - 12:18, 16:21</p> <p>follows [1] - 5:3</p> <p>football [2] - 10:1, 27:14</p> <p>force [40] - 9:15, 14:23, 19:21, 20:1, 20:4, 20:8, 37:8, 43:6, 43:8, 77:15, 77:17, 79:4, 79:14, 82:2, 82:5, 104:16, 111:17, 111:23, 112:1, 112:20,</p> |
|---|--|--|---|---|--|

| | | | | |
|--|--|--|---|--|
| 112:24, 113:1, 113:3, 113:4, 113:6, 113:10, 114:3, 129:18, 129:21, 144:6, 144:11, 145:8, 145:9, 151:1, 151:7, 151:9, 151:13, 151:20, 151:23 forces [3] - 19:17, 19:20, 20:6 foregoing [2] - 162:6, 162:14 forfeit [1] - 28:6 forget [2] - 111:8, 158:24 form [3] - 67:2, 76:17, 162:9 forward [2] - 91:13, 97:1 forwarded [1] - 40:19 four [6] - 8:5, 9:7, 80:21, 152:8, 152:9, 154:13 frame [9] - 37:24, 63:1, 66:19, 75:8, 77:14, 95:17, 96:24, 121:5, 155:2 frames [4] - 18:24, 79:12, 130:14, 139:13 Fraternal [1] - 122:8 Fred [2] - 61:5, 150:20 Frederick [1] - 2:2 free [1] - 67:1 freeway [9] - 120:22, 121:16, 122:12, 122:16, 123:1, 130:22, 141:13, 142:4, 142:5 frequently [2] - 9:24, 134:3 Friday [1] - 10:21 friend [1] - 33:13 friends [5] - 69:16, 92:4, 114:7, 114:18, 115:2 Front [2] - 1:18, 2:9 front [1] - 122:1 full [3] - 24:9, 28:9, 160:12 full-time [1] - 24:9 fully [1] - 127:20 fun [1] - 32:20 FURTHER [1] - 150:18 | gap [1] - 121:7 general [2] - 13:7, 28:10 generally [5] - 7:1, 9:8, 44:17, 67:2, 73:16 gentleman's [1] - 158:24 Giant [1] - 10:8 girlfriend [1] - 15:18 Gittes [4] - 2:2, 2:2, 3:4, 144:2 GITTES [43] - 16:5, 16:8, 21:6, 40:13, 41:11, 41:14, 41:18, 42:12, 60:15, 60:17, 60:19, 61:6, 66:8, 73:21, 82:22, 84:3, 85:2, 85:6, 90:3, 99:14, 99:19, 103:1, 103:4, 111:10, 119:5, 119:12, 119:15, 125:23, 126:3, 139:23, 143:16, 143:20, 146:12, 150:17, 153:2, 153:11, 153:17, 155:13, 155:16, 159:1, 159:20, 161:13, 161:19 given [10] - 72:5, 99:10, 99:11, 109:8, 135:21, 142:4, 148:14, 149:12, 150:3, 162:7 Googled [2] - 81:19, 88:13 Googling [1] - 88:15 government [1] - 135:15 GPSs [1] - 34:24 graduate [1] - 31:9 graduating [1] - 32:24 graduation [1] - 10:3 Gray [1] - 158:14 great [2] - 5:24, 67:1 grievance [8] - 112:7, 112:15, 121:14, 122:23, 122:24, 123:8, 123:10, 158:16 grieve [1] - 113:10 group [1] - 34:1 Group [1] - 2:2 groups [1] - 156:17 guess [6] - 30:11, 88:17, 88:19, 113:7, 130:3, 130:10 guns [2] - 88:20 | guy [1] - 59:8 H half [4] - 10:7, 19:10, 31:17, 128:6 hand [5] - 121:22, 124:6, 125:19, 141:15, 142:21 handed [1] - 119:17 happy [1] - 7:9 hard [2] - 91:4, 94:15 harm [4] - 46:22, 49:12, 94:22, 95:8 Harris [4] - 141:11, 141:12, 141:21, 142:11 Hawkins [2] - 22:1, 22:6 head [3] - 6:2, 19:1, 44:1 healed [1] - 123:3 hear [4] - 7:7, 65:5, 96:9, 140:3 heard [13] - 8:1, 40:18, 40:20, 41:5, 54:15, 55:1, 55:2, 55:4, 71:11, 96:20, 118:3, 126:22, 150:4 heat [1] - 73:22 Heidi [5] - 72:19, 72:23, 74:10, 97:6, 143:1 held [4] - 11:22, 43:8, 128:10, 134:13 help [4] - 27:10, 41:12, 60:5, 60:17 hereby [2] - 162:5, 162:13 herein [2] - 1:13, 4:7 hereinafter [1] - 5:2 hereto [1] - 162:8 hidden [4] - 53:21, 54:2, 59:9, 59:12 high [6] - 9:3, 9:17, 9:20, 32:3, 81:13, 101:6 High [5] - 9:4, 10:19, 11:1, 50:2 higher [1] - 98:24 higher-ups [1] - 98:24 himself [2] - 62:5, 117:11 historically [1] - 60:23 history [4] - 57:1, 135:3, 151:12, 151:18 hit [1] - 105:10 hold [1] - 128:13 holds [1] - 155:7 | holler [1] - 64:4 home [4] - 10:1, 10:2, 91:3, 91:11 honest [1] - 50:18 honestly [1] - 8:16 honorable [1] - 32:1 hotel [9] - 14:7, 63:20, 64:11, 64:20, 64:21, 64:23, 65:17, 65:18, 66:1 hotels [10] - 13:20, 14:3, 14:5, 14:9, 14:11, 14:18, 17:10, 17:14, 44:7, 104:17 hours [3] - 10:18, 120:24, 122:17 house [2] - 30:18, 30:19 houses [1] - 30:21 housing [3] - 30:2, 30:5, 30:16 human [16] - 14:23, 19:16, 19:21, 37:7, 43:5, 77:15, 77:17, 77:22, 79:4, 79:14, 80:22, 82:1, 82:5, 104:16, 105:7, 138:7 hung [1] - 134:3 I IA [1] - 134:11 ICE [3] - 20:11, 20:12, 43:6 idea [1] - 17:6 identifies [1] - 17:16 identify [8] - 119:19, 122:4, 124:8, 124:9, 125:20, 141:18, 142:22, 153:24 illegal [5] - 23:1, 150:10, 150:11, 150:12, 150:16 illicit [1] - 89:8 implement [1] - 30:9 important [2] - 5:24, 118:18 impression [1] - 53:12 INC [3] - 110:21, 111:4, 159:17 incidences [1] - 62:22 including [1] - 147:19 independently [2] - 51:22, 52:6 indicated [1] - 145:17 individual [4] - 20:5, 32:6, 40:11, 98:13 individuals [1] - 55:1 individuals' [2] - 16:10, 66:4 | INE [2] - 110:20, 111:4 inform [2] - 43:17, 69:6 information [4] - 51:9, 62:7, 98:22, 131:21 informed [9] - 14:4, 44:2, 54:1, 69:2, 82:14, 96:12, 97:4, 117:8, 137:2 initial [3] - 79:15, 157:7, 158:4 inputs [1] - 107:10 inside [1] - 12:22 instances [1] - 100:13 Instead [1] - 123:9 instructions [1] - 109:8 intention [1] - 6:19 interact [2] - 34:18, 34:21 interaction [4] - 18:1, 18:18, 41:4, 41:7 interested [4] - 82:14, 97:18, 149:19, 150:2 internal [12] - 92:14, 98:21, 98:23, 112:13, 112:14, 125:12, 131:9, 134:9, 136:7, 139:10, 140:6 interrupt [5] - 6:12, 6:18, 6:19, 6:21, 54:7 interrupted [1] - 6:21 interview [32] - 70:24, 71:2, 72:12, 72:16, 72:17, 72:18, 74:4, 79:7, 79:19, 81:8, 81:16, 81:21, 81:23, 82:19, 84:24, 85:16, 86:6, 86:8, 86:19, 87:6, 87:15, 87:20, 89:16, 97:5, 97:6, 102:17, 110:16, 110:17, 125:11, 125:16, 150:1, 150:5 interviewed [6] - 71:8, 71:12, 71:15, 71:22, 83:18, 85:19 interviewing [2] - 85:24, 89:22 introduce [2] - 5:10, 153:14 investigate [2] - 24:22, 130:10 investigated [4] - 56:5, 56:6, 56:12, 98:21 investigating [1] - 136:13 |
| G game [1] - 27:14 games [2] - 10:1, 10:2 | | | | |

| | | | | |
|---|--|---|---|--|
| investigation [7] - 14:7, 14:11, 14:15, 33:11, 131:8, 134:9, 134:11 investigations [6] - 15:7, 16:13, 17:13, 30:12, 35:23, 66:4 investigative [2] - 127:14, 151:19 Investigative [12] - 67:8, 144:9, 144:11, 144:14, 144:19, 145:7, 145:10, 145:11, 145:12, 150:21 investigator's [1] - 79:8 involved [4] - 20:13, 29:23, 58:6, 103:24 issue [8] - 29:14, 30:18, 37:8, 37:18, 39:7, 87:15, 101:21, 101:22 issues [32] - 18:8, 18:21, 21:13, 21:14, 21:16, 22:5, 23:8, 25:2, 28:1, 32:21, 35:22, 36:1, 36:5, 36:8, 36:11, 36:18, 38:4, 42:16, 42:20, 43:18, 44:9, 45:3, 53:17, 56:17, 62:23, 63:11, 64:7, 105:5, 105:6, 125:2, 126:23, 127:1 | 35:2, 35:14, 63:15, 63:17, 64:9, 64:10, 64:15, 66:24, 67:1, 67:3, 67:12, 67:21, 69:18, 70:2, 70:24, 71:3, 71:22, 72:22, 73:12, 73:14, 74:16, 74:18, 75:22, 76:1, 82:15, 83:6, 83:23, 86:1, 90:12, 90:21, 91:7, 93:9, 93:10, 93:21, 94:24, 96:4, 96:18, 97:9, 97:10, 97:18, 98:7, 98:11, 106:21, 107:2, 107:6, 107:18, 107:21, 107:24, 108:6, 109:21, 110:21, 112:21, 113:13, 113:16, 113:21, 114:1, 114:10, 114:13, 114:16, 114:22, 115:9, 115:15, 115:21, 115:23, 116:1, 116:21, 117:9, 117:19, 118:20, 120:22, 120:24, 121:5, 121:8, 121:10, 121:13, 121:16, 121:20, 121:21, 122:16, 122:19, 122:21, 123:1, 123:4, 123:18, 124:3, 124:16, 124:17, 135:16, 142:4, 142:6, 142:8, 145:10, 145:14, 145:18, 145:23, 146:6, 146:9, 146:10, 146:16, 146:24, 147:21, 148:1, 148:8, 148:11, 148:12, 148:13, 148:24, 149:5, 149:13, 149:14, 149:17, 149:20, 150:2, 152:11, 152:18, 152:21, 152:24, 155:8, 155:24, 156:10, 156:22, 157:7, 158:8, 158:11, 158:12, 158:15, 158:16, 158:18, 158:21, 159:12, 159:13, 159:14, 159:24, 160:7, 160:17, 160:18, 161:7 | jobs [26] - 10:5, 10:14, 12:16, 24:11, 64:19, 66:21, 116:6, 116:8, 116:9, 116:23, 120:22, 142:16, 147:23, 148:21, 152:8, 154:13, 155:10, 155:17, 155:20, 156:1, 156:6, 158:4, 159:13, 159:17, 160:13, 160:16 jogs [1] - 8:7 John [13] - 21:3, 67:13, 67:24, 90:17, 92:4, 92:5, 92:8, 92:12, 96:15, 134:4, 141:21, 159:10 Johnson [1] - 20:21 joined [1] - 150:24 joint [2] - 10:15, 116:3 joints [1] - 22:24 Joyce [1] - 20:22 Jr [1] - 2:4 July [6] - 1:19, 4:2, 12:3, 106:2, 159:16, 162:7 Justice [1] - 88:23 | 39:5, 39:19, 40:1, 40:2, 41:4, 41:6, 42:6, 42:9, 42:22, 45:19, 51:13, 51:15, 55:8, 55:9, 63:8, 65:21, 65:24, 68:18, 113:5, 129:4, 129:8, 134:13, 146:2 known [4] - 34:5, 38:19, 133:23, 134:10 | 145:11, 148:17, 149:24, 158:11, 160:5 legal [1] - 150:10 less [10] - 92:24, 93:1, 93:2, 93:3, 94:7, 94:11, 149:2, 149:4, 149:8 letter [8] - 38:11, 38:13, 51:18, 122:6, 122:7, 123:18, 126:4, 126:5 Letter [2] - 3:9, 121:24 liaison [3] - 28:23, 29:1, 29:16 lie [1] - 138:9 lies [1] - 138:20 lieutenant [12] - 17:23, 21:20, 77:16, 108:13, 108:15, 108:16, 108:22, 109:2, 109:8, 109:13, 109:14, 141:12 Lieutenant [63] - 17:24, 18:2, 18:8, 18:15, 21:24, 22:4, 22:6, 22:8, 59:19, 65:2, 70:24, 72:12, 74:5, 75:11, 77:6, 77:7, 77:12, 77:15, 77:18, 78:5, 80:4, 80:6, 80:12, 84:24, 87:5, 97:14, 97:16, 97:22, 101:24, 102:6, 102:12, 103:16, 103:20, 106:10, 106:13, 106:16, 107:1, 107:15, 108:13, 109:3, 109:4, 109:23, 115:10, 115:12, 117:6, 117:8, 118:2, 118:7, 118:19, 119:22, 124:12, 124:14, 124:15, 141:21, 142:11, 145:17, 146:14, 146:21, 146:23, 147:15, 149:16, 149:24, 152:23 lieutenants [2] - 21:22, 109:10 light [1] - 149:21 lightning [15] - 127:19, 128:3, 129:3, 129:11, 130:9, 132:8, 132:14, 132:20, |
| J | | K | | |
| Jack [1] - 141:11 jack [1] - 141:12 Jackson [1] - 26:7 Jacobs [3] - 11:16, 11:18, 126:6 Jamaican [1] - 15:20 James [1] - 13:3 Jane [2] - 1:15, 6:14 JANE [1] - 1:21 Jeremy [4] - 58:5, 158:10, 158:15 Jeremy's [1] - 158:12 Jerry [3] - 129:12, 136:15, 137:1 Job [6] - 3:11, 3:12, 122:11, 152:15, 153:8, 154:20 job [159] - 9:16, 11:10, 11:13, 11:14, 11:20, 24:8, 24:9, 25:17, 26:13, 26:16, 26:18, 28:5, 28:6, 28:11, 28:23, 31:14, 33:3, | | KARL [1] - 5:1 Karl [9] - 1:6, 1:12, 4:6, 8:20, 47:17, 123:15, 162:5, 162:11, 162:14 keep [2] - 74:18, 119:16 keeping [1] - 18:24 kept [2] - 117:10, 133:23 kid [1] - 101:10 kids [5] - 9:12, 101:22, 116:3, 116:4, 118:17 Kimmerling [6] - 17:24, 18:2, 18:9, 18:15, 59:19, 104:24 kind [14] - 13:12, 19:13, 26:8, 36:16, 42:4, 45:10, 67:1, 68:14, 97:3, 100:4, 100:16, 106:8, 116:23, 126:21 Klein [1] - 1:17 knee [6] - 11:11, 28:1, 121:11, 121:12, 123:3, 142:10 knecap [1] - 27:18 knowledge [27] - 15:10, 20:18, 39:1, | L Lancaster [7] - 13:3, 48:1, 48:4, 48:9, 50:10, 50:23, 72:6 Lang [17] - 77:6, 77:7, 77:12, 77:16, 77:18, 78:5, 78:9, 78:16, 78:17, 78:20, 78:24, 79:9, 80:4, 80:6, 80:12, 80:16 large [1] - 121:7 Larry [2] - 13:2, 134:4 last [3] - 52:17, 78:3, 149:23 late [5] - 46:12, 68:9, 119:2, 120:13, 130:15 Law [1] - 2:2 law [4] - 102:10, 135:18, 135:19, 136:1 lawyer [1] - 102:23 lawyers [1] - 8:1 lazy [4] - 46:20, 49:11, 81:12, 85:1 lead [1] - 20:9 learn [9] - 61:17, 65:8, 72:7, 84:12, 88:15, 95:6, 96:13, 101:12, 129:10 learned [4] - 97:8, 97:11, 97:13, 149:10 least [6] - 5:16, 7:18, 55:5, 64:6, 68:17, 130:14 leave [2] - 28:1, 138:14 leaves [2] - 63:9, 157:5 led [2] - 15:13, 82:1 left [24] - 20:14, 20:19, 23:6, 36:13, 37:13, 38:1, 45:12, 45:17, 45:22, 63:12, 64:8, 81:19, 108:12, 108:24, 110:20, 140:24, 144:10, 144:15, 145:5, | |

| | | | | |
|--|---|---|--|---|
| <p>135:13, 135:22, 135:24, 136:4, 137:8, 150:8, 150:10 line [3] - 6:3, 7:13, 113:18 lines [1] - 47:16 link [15] - 127:19, 128:3, 129:3, 129:11, 130:9, 132:8, 132:14, 132:20, 135:14, 135:22, 135:24, 136:4, 137:8, 150:8, 150:10 liquor [1] - 23:1 list [20] - 66:13, 68:18, 75:21, 75:24, 76:4, 76:7, 76:10, 77:13, 77:20, 78:4, 78:11, 80:1, 80:21, 81:1, 81:4, 81:24, 130:4, 130:8, 130:11, 135:21 listed [1] - 12:1 listen [1] - 51:4 listened [1] - 51:3 listening [1] - 34:24 lists [1] - 116:9 litigation [2] - 72:9, 72:10 LLP [1] - 2:5 located [1] - 59:1 locations [1] - 17:16 look [12] - 58:3, 64:13, 77:5, 115:20, 125:23, 134:7, 139:20, 141:18, 153:22, 155:24, 156:12, 157:23 looking [13] - 15:4, 37:24, 39:8, 44:16, 53:24, 58:9, 58:12, 59:2, 120:17, 128:24, 153:23, 153:24, 155:21 looks [3] - 22:13, 23:15, 126:15 Los [1] - 88:24 lost [1] - 115:21 Lunch [1] - 105:15 lunch [3] - 47:10, 47:17, 106:7</p> | <p>40:22, 41:8, 41:9, 41:10, 41:20, 44:23, 45:15, 45:17, 53:15, 53:18, 53:19, 53:23, 54:13, 54:19, 54:20, 55:12, 55:15, 55:23, 56:5, 56:11, 57:4, 57:8, 57:9, 57:10, 57:14, 57:16, 59:14, 59:16, 59:22, 60:1, 60:7, 60:10, 60:11, 60:12, 61:15, 69:7, 70:23, 72:14, 91:14, 97:17, 119:20, 119:21, 119:24, 124:11, 124:14, 141:20, 147:4 mailed [1] - 146:17 mails [1] - 138:5 main [3] - 13:18, 44:8, 46:8 maintaining [1] - 151:22 Malone [7] - 72:19, 72:23, 73:4, 74:10, 74:12, 97:7, 143:1 map [2] - 58:23, 59:2 marathon [1] - 10:7 March [8] - 126:16, 126:18, 126:19, 130:18, 133:10, 133:19, 147:13, 157:1 Marine [1] - 31:23 Mark [1] - 20:20 mark [2] - 123:2, 125:8 marked [17] - 119:9, 119:11, 121:23, 121:24, 124:5, 124:7, 125:18, 125:20, 141:14, 141:16, 141:17, 142:19, 142:22, 153:8, 153:12, 153:14, 154:20 mass [2] - 135:5, 135:11 math [2] - 22:12, 23:15 Mathis [1] - 13:4 matters [2] - 8:14, 52:14 max [1] - 24:18 MCL [1] - 27:17 mean [20] - 11:13, 12:15, 13:2, 14:13, 29:24, 34:12, 36:23, 39:20, 51:20, 54:7, 75:5, 82:1, 86:3, 89:22, 91:4, 91:14,</p> | <p>133:4, 140:2, 145:11, 154:16 meaning [1] - 90:13 means [1] - 11:14 meant [2] - 53:7, 148:21 mechanism [1] - 131:10 medical [1] - 27:24 meet [4] - 47:10, 97:19, 97:21, 104:15 meeting [11] - 13:23, 14:1, 14:3, 17:9, 53:13, 97:24, 102:18, 104:22, 105:3, 145:17, 145:20 meetings [1] - 29:3 member [3] - 52:14, 99:24, 129:19 members [2] - 20:1, 20:7 memory [2] - 8:3, 8:8 menacing [1] - 101:19 mentioned [2] - 53:15, 88:5 MERIT [1] - 1:22 message [25] - 72:19, 73:3, 73:5, 74:15, 90:9, 90:10, 90:15, 90:19, 90:23, 91:12, 91:15, 92:6, 92:13, 92:17, 92:20, 93:6, 93:15, 94:4, 94:9, 96:16, 99:10, 99:16, 141:5, 142:24, 143:2 messages [1] - 127:13 Messages [2] - 3:11, 142:19 messed [1] - 60:3 met [4] - 5:8, 34:4, 145:16, 146:20 method [2] - 43:3, 43:4 mid [1] - 128:24 middle [1] - 61:21 might [7] - 21:22, 21:23, 44:5, 53:13, 84:12, 91:2, 101:14 Mike [3] - 20:21, 110:24, 111:16 military [3] - 31:15, 128:10, 128:23 Miller [1] - 20:20 mind [9] - 7:2, 15:19, 64:17, 66:16, 73:21, 95:5, 107:13, 128:18, 141:9 minute [2] - 51:8, 105:13</p> | <p>mirror [1] - 81:9 misunderstood [2] - 78:12, 79:12 moment [7] - 12:20, 45:8, 115:7, 141:10, 141:23, 143:8, 147:10 Monday [5] - 1:18, 4:1, 10:21, 106:1, 162:7 monkeys [3] - 46:21, 49:11, 61:10 month [2] - 24:18, 96:21 months [7] - 24:6, 27:5, 27:12, 27:20, 83:6, 118:4 Moore [125] - 13:4, 33:11, 33:16, 33:17, 33:20, 34:22, 35:13, 36:3, 36:6, 36:9, 36:12, 37:12, 37:16, 37:23, 38:5, 38:16, 39:1, 39:11, 39:23, 40:3, 42:6, 42:10, 43:19, 44:10, 44:20, 44:22, 44:24, 45:6, 45:11, 45:16, 45:21, 49:10, 50:17, 53:16, 54:9, 54:15, 55:2, 56:7, 56:15, 56:19, 57:13, 58:16, 59:21, 60:1, 60:6, 60:21, 62:24, 63:12, 63:22, 64:8, 65:2, 65:5, 65:9, 65:10, 65:11, 65:16, 65:24, 66:7, 66:12, 67:6, 67:7, 69:5, 69:6, 69:15, 70:23, 71:14, 71:21, 72:11, 72:20, 81:9, 82:13, 86:4, 89:21, 90:8, 90:13, 91:21, 92:20, 92:22, 93:5, 93:8, 93:14, 93:17, 93:18, 93:20, 94:20, 94:23, 95:6, 96:3, 96:10, 97:9, 98:6, 98:17, 99:3, 99:8, 103:10, 104:11, 107:23, 114:7, 114:12, 114:19, 115:2, 115:4, 117:1, 117:2, 117:9, 126:22, 127:12, 129:24, 130:5, 131:7, 132:5, 132:12, 132:21, 133:11, 134:23, 135:13, 136:4, 144:13, 144:22,</p> | <p>144:24, 145:4, 145:13, 155:6, 160:3 Moore's [7] - 35:7, 35:14, 45:15, 46:3, 57:13, 133:19, 133:22 morning [3] - 5:6, 5:7, 5:14 Morning [1] - 4:1 Morse [1] - 13:20 most [5] - 9:10, 9:11, 10:14, 101:6, 135:5 motivated [5] - 56:21, 57:3, 59:22, 60:2, 139:11 motivating [2] - 120:15, 120:19 motivation [1] - 114:5 mouth [1] - 85:13 mouthing [1] - 65:12 move [3] - 49:5, 67:16, 113:15 moving [2] - 107:18, 107:20 MR [83] - 16:5, 16:8, 16:12, 21:6, 21:8, 21:10, 40:13, 40:15, 41:11, 41:13, 41:14, 41:16, 41:18, 41:23, 42:1, 42:12, 42:13, 60:15, 60:16, 60:17, 60:18, 60:19, 61:3, 61:6, 61:8, 66:8, 73:21, 73:23, 74:1, 82:22, 82:24, 84:3, 84:5, 85:2, 85:6, 85:9, 90:3, 90:6, 99:14, 99:19, 103:1, 103:2, 103:4, 105:12, 106:6, 111:10, 111:11, 119:5, 119:12, 119:13, 119:15, 125:23, 126:1, 126:3, 139:23, 143:13, 143:16, 143:19, 143:20, 146:10, 146:12, 147:22, 148:10, 149:18, 150:15, 150:17, 153:2, 153:7, 153:11, 153:13, 153:17, 153:18, 154:15, 155:13, 155:16, 159:1, 159:3, 159:6, 159:20, 161:10, 161:13, 161:15, 161:19 mud [1] - 161:11</p> |
| M | | | | |
| <p>Mail [6] - 3:8, 3:9, 3:10, 119:10, 124:5, 141:14 mail [55] - 39:9, 39:14, 39:22, 40:19, 40:20,</p> | | | | |

| | | | | |
|--|---|--|---|--|
| multiple ^[1] - 153:9 | 113:21, 114:11, 117:10, 121:20, 121:21, 122:21, 123:22, 131:11, 131:22, 135:7, 136:20, 136:24, 137:3, 138:17, 138:18, 149:14, 150:6 | 146:10, 148:10, 149:21, 159:20 | 94:3, 94:18, 95:3, 95:7, 95:13, 95:14, 96:12, 96:14, 96:17, 96:19, 106:8, 133:18, 133:21, 143:14, 144:3, 144:6, 145:4, 148:2, 150:13, 153:22, 159:10, 159:11 | 148:18, 156:18, 158:3, 158:8, 158:9, 158:11, 159:15, 160:8, 160:10, 160:12 |
| N | | | | |
| name ^[17] - 5:10, 8:19, 15:18, 16:3, 22:1, 22:4, 23:12, 67:11, 67:13, 77:13, 77:20, 78:3, 78:11, 108:18, 114:1, 158:24, 160:13 | new ^[4] - 19:23, 108:15, 119:12, 126:16 | obligated ^[3] - 100:2, 100:4, 100:17 | officers ^[21] - 10:6, 20:17, 25:20, 26:4, 26:11, 37:18, 38:6, 38:10, 38:17, 39:2, 40:4, 42:7, 42:10, 42:19, 46:20, 71:11, 75:21, 76:3, 88:19, 89:7 | ones ^[4] - 15:12, 53:5, 66:15, 104:4 |
| names ^[8] - 15:15, 20:5, 30:23, 33:15, 87:22, 88:18, 134:17 | next ^[7] - 113:18, 125:13, 158:3, 160:8, 160:17, 160:18, 161:1 | obligation ^[3] - 99:23, 100:16, 100:21 | official ^[2] - 4:12, 126:11 | open ^[9] - 116:6, 145:24, 146:1, 146:9, 146:16, 148:18, 148:22, 158:8, 158:11 |
| narcotics ^[50] - 19:7, 19:8, 19:11, 19:13, 19:23, 20:17, 22:14, 22:18, 23:24, 37:7, 63:15, 63:17, 64:9, 64:10, 64:15, 64:19, 66:22, 67:15, 69:10, 70:2, 71:7, 72:16, 72:22, 75:6, 75:10, 75:12, 75:16, 75:17, 76:24, 79:23, 86:10, 86:24, 87:13, 90:12, 104:23, 110:14, 111:20, 112:2, 117:9, 126:24, 127:14, 130:21, 130:22, 138:22, 140:15, 141:1, 144:14, 154:6, 154:7, 160:6 | none ^[3] - 25:4, 32:22, 39:12 | obligations ^[1] - 100:6 | officially ^[2] - 84:16, 84:21 | opened ^[1] - 148:8 |
| Navy ^[3] - 31:19, 128:6, 128:10 | normal ^[2] - 6:11, 10:18 | observed ^[1] - 40:18 | offices ^[1] - 1:17 | opening ^[2] - 67:5, 144:19 |
| need ^[6] - 7:19, 20:4, 20:5, 34:18, 34:21, 143:10 | North ^[2] - 1:18, 2:9 | obtain ^[3] - 43:3, 150:13, 150:14 | officials ^[1] - 52:8 | openings ^[1] - 147:21 |
| needed ^[20] - 31:14, 35:12, 43:4, 43:12, 50:18, 50:19, 71:15, 71:21, 72:12, 91:16, 97:19, 102:19, 106:14, 106:17, 109:9, 109:12, 116:2, 118:17, 131:1, 131:5 | Nos ^[2] - 153:8, 154:20 | occasions ^[2] - 28:19, 128:8 | official ^[2] - 4:12, 126:11 | opens ^[1] - 161:7 |
| needing ^[2] - 36:1 | Notary ^[5] - 1:15, 4:10, 4:13, 162:17, 162:20 | occurrence ^[1] - 49:13 | officials ^[1] - 52:8 | opportunities ^[1] - 9:19 |
| Neil ^[1] - 20:20 | notes ^[3] - 4:10, 49:6, 82:21 | occurring ^[1] - 140:5 | OHIO ^[2] - 1:3, 1:23 | Opportunity ^[1] - 52:7 |
| never ^[47] - 11:8, 15:11, 21:14, 21:16, 22:7, 22:9, 23:11, 23:14, 24:8, 25:13, 27:8, 28:4, 29:13, 33:4, 33:19, 56:12, 57:8, 57:9, 57:14, 60:6, 65:4, 80:24, 81:4, 85:13, 86:12, 92:12, 99:10, 101:21, 112:1, | notice ^[2] - 1:16, 26:13 | OF ^[1] - 1:3 | Ohio ^[11] - 1:16, 1:18, 2:3, 2:6, 2:9, 32:4, 135:18, 136:1, 137:7, 162:2, 162:21 | opportunity ^[1] - 64:3 |
| | nothing ^[12] - 53:11, 55:21, 63:4, 63:24, 75:2, 75:18, 80:18, 87:10, 95:5, 135:5, 141:9, 161:13 | offered ^[3] - 68:21, 116:15, 152:22 | old ^[1] - 58:11 | option ^[3] - 121:2, 121:4 |
| | notification ^[3] - 84:16, 84:21, 126:11 | offhand ^[3] - 23:7, 30:8, 110:8 | Oliverio ^[2] - 23:4, 23:9 | Orak ^[10] - 129:12, 129:15, 129:17, 130:23, 131:11, 132:20, 133:1, 133:10, 136:15, 137:1 |
| | notifying ^[1] - 76:19 | office ^[16] - 5:11, 20:3, 34:19, 35:24, 38:20, 48:18, 48:20, 72:21, 73:7, 125:14, 129:12, 129:23, 132:18, 133:24, 134:3, 134:14 | Olympics ^[1] - 128:14 | order ^[10] - 16:11, 37:11, 58:14, 58:22, 72:5, 109:1, 121:15, 136:19, 137:3, 158:23 |
| | noting ^[1] - 162:9 | officer ^[19] - 9:3, 9:6, 9:9, 9:16, 9:18, 9:20, 55:4, 58:17, 67:10, 70:14, 90:17, 95:10, 98:12, 101:6, 101:13, 110:20, 110:22, 136:23, 161:15 | once ^[6] - 21:21, 28:5, 45:12, 97:11, 97:13 | Order ^[1] - 122:8 |
| | November ^[1] - 31:11 | Officer ^[94] - 16:9, 30:24, 31:1, 32:23, 33:9, 33:12, 38:15, 39:8, 42:3, 45:1, 47:2, 47:13, 47:21, 47:24, 48:4, 48:9, 49:9, 49:15, 50:10, 50:16, 50:23, 51:5, 51:10, 53:6, 53:19, 54:14, 54:20, 54:23, 55:6, 55:8, 55:13, 55:18, 55:19, 56:11, 56:20, 58:5, 58:10, 59:13, 59:16, 61:14, 62:8, 62:12, 62:17, 62:19, 65:2, 65:9, 65:10, 66:10, 68:4, 68:10, 69:10, 69:18, 70:11, 70:21, 72:6, 72:23, 73:4, 74:3, 74:12, 83:23, 85:12, 90:18, 91:20, 91:21, 92:11, 92:22, 93:5, 93:11, 93:14, 94:1, | one ^[80] - 12:14, 15:16, 15:19, 15:22, 15:23, 16:2, 19:24, 20:11, 20:14, 20:20, 20:21, 20:22, 21:6, 21:7, 21:24, 22:3, 23:4, 30:23, 33:10, 33:15, 42:17, 43:24, 46:4, 47:5, 47:9, 47:24, 48:15, 48:17, 49:2, 55:1, 55:3, 64:15, 65:1, 70:8, 70:10, 70:20, 75:24, 82:3, 82:9, 83:1, 83:17, 89:12, 89:14, 96:15, 100:20, 104:9, 106:22, 107:4, 111:13, 111:22, 112:3, 116:12, 118:16, 119:12, 120:16, 120:22, 121:1, 123:11, 124:13, 127:18, 136:13, 146:13, 146:19, 147:2, 148:17, | ordered ^[2] - 130:9, 135:22 |
| | nuisance ^[1] - 14:17 | | | ordering ^[6] - 127:19, 132:13, 135:10, 135:13, 136:15, 137:8 |
| | number ^[8] - 25:22, 28:12, 110:6, 110:10, 148:14, 156:13, 157:9, 157:13 | | | orders ^[1] - 109:9 |
| | numbered ^[1] - 88:17 | | | original ^[1] - 20:1 |
| | numbers ^[6] - 92:23, 119:14, 156:1, 157:18, 157:21, 160:14 | | | originally ^[1] - 145:6 |
| | O | | | ouch ^[1] - 27:19 |
| | Oak ^[1] - 2:3 | | | outside ^[4] - 10:5, 71:8, 114:18, 137:18 |
| | Objection ^[3] - 147:22, 149:18, 150:15 | | | overtime ^[1] - 9:20 |
| | objection ^[8] - 85:2, 99:14, 99:19, 103:1, | | | own ^[5] - 13:13, 30:16, 37:11, 43:15 |
| | | | | owned ^[1] - 133:8 |
| | | | | P |
| | | | | p.m ^[2] - 10:20, 161:21 |
| | | | | Page ^[2] - 3:2, 3:7 |
| | | | | page ^[7] - 5:20, 39:17, 79:21, 123:14, 156:15, 162:8 |
| | | | | paper ^[1] - 87:21 |

| | | | |
|--|---|--|---|
| <p>paperwork [2] - 121:9, 136:16</p> <p>part [2] - 9:14, 96:14</p> <p>participating [1] - 89:8</p> <p>particular [3] - 10:13, 13:15, 16:9</p> <p>particulars [1] - 39:9</p> <p>parties [2] - 4:6, 16:8</p> <p>parts [2] - 59:10, 59:12</p> <p>party [1] - 40:7</p> <p>pass [3] - 69:17, 98:11, 159:11</p> <p>passed [8] - 67:12, 67:18, 83:22, 147:9, 157:7, 157:8, 158:23, 159:24</p> <p>passing [1] - 69:3</p> <p>past [1] - 127:23</p> <p>patrol [6] - 11:2, 11:7, 115:19, 122:16, 123:18, 124:3</p> <p>PCL [1] - 27:17</p> <p>pending [1] - 7:22</p> <p>Pendleton [1] - 31:24</p> <p>people [35] - 14:15, 15:1, 16:18, 16:22, 20:19, 21:21, 29:22, 30:16, 35:16, 40:22, 47:23, 53:7, 53:24, 58:20, 59:1, 59:6, 65:1, 75:24, 80:21, 88:19, 91:19, 104:15, 108:12, 112:13, 127:12, 130:8, 130:11, 134:3, 134:12, 135:6, 135:11, 135:21, 137:14</p> <p>perfect [1] - 6:9</p> <p>performing [1] - 75:22</p> <p>period [24] - 26:18, 30:17, 38:3, 38:21, 38:22, 40:2, 40:14, 40:16, 42:5, 42:11, 43:13, 43:17, 44:1, 45:11, 53:1, 71:24, 72:1, 75:15, 76:23, 88:9, 89:19, 89:21, 99:6, 118:5</p> <p>person [13] - 7:3, 32:10, 47:24, 50:2, 58:9, 58:11, 58:13, 79:24, 92:13, 109:2, 109:16, 136:11, 148:23</p> <p>personal [3] - 41:4, 41:7, 133:23</p> <p>personally [4] - 40:17,</p> | <p>40:18, 149:15</p> <p>personnel [1] - 35:22</p> <p>phone [5] - 58:15, 58:19, 58:21, 58:24, 67:10</p> <p>physical [2] - 94:22, 95:8</p> <p>Piccinnini [2] - 21:5, 21:15</p> <p>pick [2] - 13:12, 13:15</p> <p>picturing [1] - 35:20</p> <p>piece [1] - 87:21</p> <p>ping [3] - 58:15, 58:23, 59:2</p> <p>pinging [1] - 58:19</p> <p>place [13] - 39:12, 45:2, 48:14, 53:17, 56:8, 56:16, 56:21, 57:2, 57:5, 57:6, 60:22, 60:23, 134:20</p> <p>places [1] - 34:8</p> <p>Plaintiff [4] - 1:7, 1:12, 2:7, 4:7</p> <p>plan [2] - 14:22, 17:6</p> <p>planting [1] - 88:19</p> <p>plea [1] - 15:24</p> <p>plus [1] - 50:7</p> <p>point [23] - 13:5, 20:14, 26:6, 35:21, 46:23, 49:13, 51:12, 63:3, 79:1, 79:3, 79:13, 84:2, 84:3, 107:3, 108:3, 123:24, 132:22, 133:15, 143:14, 145:8, 145:16, 146:8, 154:18</p> <p>pointing [1] - 157:19</p> <p>Police [13] - 8:23, 52:15, 52:23, 88:24, 99:24, 102:24, 103:23, 122:8, 124:22, 127:7, 128:14, 137:17, 150:13</p> <p>police [15] - 11:15, 27:14, 30:12, 31:12, 32:9, 58:12, 68:8, 82:8, 98:12, 98:23, 101:2, 101:3, 101:21, 128:22, 136:23</p> <p>political [2] - 29:23, 29:24</p> <p>pool [1] - 128:16</p> <p>portion [1] - 127:11</p> <p>position [42] - 11:19, 11:22, 26:15, 27:2, 28:17, 29:16, 68:15, 68:21, 70:15, 71:8,</p> | <p>79:8, 82:20, 82:21, 83:13, 83:16, 83:19, 84:6, 90:1, 106:11, 110:2, 110:11, 110:13, 110:19, 113:9, 115:13, 119:3, 120:4, 120:12, 122:14, 126:23, 144:17, 148:5, 148:6, 149:6, 149:12, 152:21, 154:6, 158:23, 160:4, 160:20, 160:23, 161:1</p> <p>positions [12] - 25:21, 26:9, 26:11, 27:23, 66:24, 71:7, 83:11, 127:13, 130:20, 151:13, 152:7, 154:7</p> <p>possess [1] - 137:13</p> <p>possession [2] - 136:20, 136:21</p> <p>post [1] - 113:9</p> <p>posted [22] - 24:12, 27:2, 68:15, 70:3, 70:6, 70:9, 70:22, 83:5, 83:9, 83:12, 121:6, 148:15, 156:1, 156:6, 156:8, 158:5, 158:17, 158:19, 158:21, 159:14, 159:17, 160:16</p> <p>posting [4] - 69:22, 70:20, 71:6, 159:22</p> <p>postings [2] - 71:12, 130:20</p> <p>Precinct [7] - 11:3, 11:6, 12:2, 25:10, 25:15, 27:3, 27:7</p> <p>precinct [2] - 29:4, 88:18</p> <p>precincts [1] - 88:17</p> <p>preliminary [1] - 8:14</p> <p>PremierOne [2] - 101:1, 101:9</p> <p>presence [2] - 4:11, 162:19</p> <p>present [2] - 80:9, 112:23</p> <p>presentation [1] - 37:4</p> <p>president [1] - 130:2</p> <p>pretty [8] - 9:13, 13:23, 16:17, 51:3, 51:12, 73:10, 74:14, 94:16</p> <p>previous [3] - 71:6, 87:13, 134:8</p> <p>previously [16] - 8:10,</p> | <p>53:15, 72:24, 75:10, 75:15, 83:11, 87:11, 115:8, 121:22, 124:6, 141:15, 141:17, 142:21, 153:11, 153:14, 159:9</p> <p>primarily [1] - 16:20</p> <p>primary [1] - 22:22</p> <p>printout [1] - 160:12</p> <p>problem [3] - 41:15, 56:9, 157:14</p> <p>Procedure [2] - 1:14, 4:9</p> <p>process [1] - 148:1</p> <p>proficient [1] - 128:16</p> <p>programs [2] - 30:2, 30:5</p> <p>project [1] - 15:11</p> <p>promise [1] - 154:19</p> <p>proof [4] - 4:12, 102:19, 102:20, 137:11</p> <p>proper [3] - 82:8, 86:14, 138:7</p> <p>properly [1] - 77:5</p> <p>properties [2] - 30:10</p> <p>prosecutions [1] - 16:10</p> <p>prostitutes [1] - 14:24</p> <p>prostitution [4] - 13:19, 14:2, 15:5, 22:24</p> <p>protect [7] - 16:11, 98:8, 98:9, 102:3, 106:23, 118:9, 118:11</p> <p>protected [2] - 115:11, 115:13</p> <p>protection [2] - 106:14, 106:17</p> <p>prove [2] - 8</p> |
|--|---|--|---|

| | | | | |
|--|--|--|---|---|
| <p>121:14 reaction [2] - 87:18, 90:22 read [2] - 162:6, 162:17 reading [2] - 134:11, 162:15 ready [1] - 154:1 real [1] - 94:17 really [8] - 6:4, 7:7, 33:10, 44:7, 67:12, 108:4, 153:1 reason [23] - 8:14, 10:13, 10:16, 17:17, 28:22, 34:19, 55:16, 56:7, 56:14, 71:16, 109:18, 109:20, 112:19, 115:9, 117:22, 122:22, 131:14, 135:20, 138:11, 140:16, 140:24, 156:21, 156:22 reasoning [1] - 112:18 reasons [12] - 59:20, 59:23, 60:13, 60:20, 61:12, 66:6, 66:11, 99:2, 114:19, 114:24, 134:22, 151:24 recalling [1] - 51:17 receipt [1] - 50:7 receive [4] - 41:10, 41:20, 109:9, 126:9 received [10] - 15:21, 39:22, 40:22, 67:10, 70:22, 72:18, 109:1, 126:5, 126:12, 130:8 recent [1] - 15:20 recess [1] - 105:15 Recess [3] - 41:24, 73:24, 143:22 recognize [2] - 119:16, 122:2 recollection [12] - 12:8, 46:10, 46:18, 49:17, 57:4, 57:7, 66:22, 70:12, 98:1, 120:8, 133:14, 133:17 recollections [1] - 44:18 recommended [4] - 148:2, 149:6, 149:11, 150:5 Recon [2] - 31:23, 32:7 record [40] - 5:9, 6:6, 8:19, 11:12, 16:5, 16:7, 21:8, 21:9,</p> | <p>37:21, 42:2, 74:2, 78:15, 85:6, 85:8, 85:10, 85:11, 102:11, 104:21, 105:2, 105:12, 105:14, 106:7, 119:19, 122:4, 124:9, 124:10, 125:21, 141:19, 142:23, 145:16, 147:5, 147:19, 147:24, 153:20, 153:24, 155:13, 159:1, 159:7, 159:8, 161:18 recorded [3] - 101:23, 103:17, 104:24 recording [6] - 102:7, 102:17, 102:19, 104:8, 105:9 records [1] - 128:14 recovery [1] - 27:21 reduced [1] - 4:9 refer [1] - 57:1 referred [1] - 148:24 referring [2] - 49:10, 61:10 reflected [1] - 147:6 refresh [1] - 120:8 REGISTERED [1] - 1:22 regular [1] - 123:23 reiterated [1] - 73:11 related [1] - 150:8 relating [1] - 54:23 relationship [5] - 18:4, 18:7, 33:8, 34:11, 34:13 relative [2] - 44:22, 45:15 religious [2] - 46:24, 49:16 remember [36] - 8:6, 12:4, 13:11, 20:21, 23:13, 38:19, 48:6, 48:7, 48:8, 48:10, 48:24, 51:1, 62:1, 63:24, 64:12, 65:15, 67:20, 67:23, 69:7, 69:8, 73:15, 73:17, 74:7, 79:2, 79:5, 84:14, 86:18, 87:2, 87:5, 88:2, 103:10, 125:15, 136:14, 148:12, 148:13, 158:12 removed [4] - 15:11, 79:4, 79:13, 107:5 rent [1] - 30:16 rented [1] - 30:19</p> | <p>renting [1] - 30:21 repeat [1] - 7:10 rephrase [1] - 7:10 replacement [3] - 11:11, 121:11, 121:12 report [18] - 21:19, 51:22, 52:6, 52:11, 62:7, 62:13, 77:4, 100:3, 100:6, 100:16, 100:21, 101:4, 101:21, 108:9, 109:12, 109:19, 137:14, 140:22 reported [6] - 18:15, 80:12, 109:14, 109:16, 112:1, 136:7 REPORTER [1] - 1:22 reports [11] - 58:12, 77:1, 82:8, 100:4, 100:8, 100:11, 100:12, 100:17, 100:23, 101:2, 101:7 representative [1] - 129:24 representing [1] - 5:12 request [1] - 149:12 requirement [1] - 120:18 research [1] - 15:2 reservations [1] - 86:9 residing [1] - 58:13 resource [8] - 9:3, 9:5, 9:9, 9:16, 9:17, 9:20, 101:6, 101:13 respective [1] - 4:6 response [1] - 61:23 responsibilities [2] - 13:8, 13:11 responsibility [3] - 22:22, 35:7, 35:8 rest [1] - 61:5 restate [1] - 7:10 result [7] - 15:6, 15:9, 25:21, 26:23, 55:22, 89:3, 123:18 retaliating [2] - 139:2, 139:4 retaliation [1] - 139:16 retaliatory [7] - 137:22, 138:13, 138:15, 140:10, 141:3, 141:6, 143:7 retired [2] - 21:4, 158:14 retiring [1] - 21:21 reviewing [1] - 91:12 Rice [4] - 110:3,</p> | <p>152:14, 152:15, 152:24 Rice's [1] - 110:4 rich [2] - 73:21, 153:2 Rich [1] - 5:10 Rich's [1] - 149:21 Richard [10] - 2:8, 13:4, 65:2, 65:9, 65:10, 90:13, 91:20, 92:19, 93:18, 93:20 RICO [4] - 15:3, 15:5, 15:6, 105:6 rifle [1] - 127:20 risk [1] - 116:24 road [1] - 40:10 Road [1] - 13:20 rob [1] - 32:18 robbery [2] - 101:10, 101:11 robs [1] - 101:10 role [4] - 9:9, 16:9, 19:11, 98:12 room [4] - 39:21, 54:11, 85:21, 143:21 roster [3] - 110:7, 110:11, 157:3 roughly [1] - 22:21 round [1] - 25:22 Roundtree [2] - 29:8, 29:11 roundtree [1] - 29:9 route [1] - 43:13 routed [3] - 101:2, 101:4, 101:11 rule [1] - 28:10 Rules [2] - 1:14, 4:8 run [2] - 66:20, 66:23 running [2] - 59:7, 72:21</p> | <p>10:19, 11:1 Scott [2] - 54:10, 108:18 sealed [1] - 16:10 Sean [1] - 2:4 search [6] - 76:18, 76:20, 77:22, 80:23, 82:2, 82:3 season/year [1] - 96:22 second [25] - 11:2, 16:6, 22:3, 29:7, 47:4, 47:7, 48:15, 49:5, 49:23, 50:10, 64:10, 70:1, 70:19, 115:19, 116:1, 116:7, 116:9, 123:14, 124:3, 125:23, 144:19, 153:21, 158:18, 159:2, 159:4 security [2] - 91:3, 91:11 see [7] - 15:11, 107:11, 137:13, 143:17, 146:19, 156:18, 157:9 seeing [1] - 154:13 sell [1] - 30:19 selling [1] - 88:20 send [3] - 17:20, 58:21, 61:15 sending [1] - 56:1 seniority [15] - 24:13, 68:18, 83:22, 86:1, 110:7, 110:9, 110:11, 113:13, 113:15, 115:24, 149:2, 149:8, 155:18, 156:17, 157:3 seniority-wise [1] - 83:22 sent [21] - 39:9, 45:17, 53:20, 53:22, 55:15, 55:23, 56:11, 58:23, 59:18, 59:19, 60:12, 62:17, 82:9, 97:9, 107:23, 124:14, 127:13, 138:5, 138:9, 146:23, 147:4 separate [2] - 78:9, 83:2 sergeant [20] - 16:24, 17:2, 20:23, 21:12, 21:13, 23:2, 23:9, 23:12, 24:23, 27:6, 29:6, 33:24, 34:15, 35:4, 69:4, 109:17, 144:14, 144:22,</p> |
| S | | | | |
| <p>safety [3] - 104:15, 116:20, 116:23 Safety [1] - 122:9 sarge [2] - 69:2, 142:6 sat [2] - 5:15, 129:13 save [1] - 91:16 saving [1] - 105:10 saw [6] - 20:3, 41:5, 90:22, 136:24, 137:3 scenario [1] - 129:3 schedule [1] - 10:15 scheduled [1] - 121:11 school [9] - 9:3, 9:16, 9:17, 9:20, 10:3, 32:3, 82:10, 101:6, 101:12 School [3] - 9:4,</p> | | | | |

| | | | | |
|--|--|---|--|--|
| <p>155:3, 160:3 Sergeant [129] - 17:3, 17:19, 17:22, 18:12, 21:5, 21:11, 23:4, 23:6, 23:9, 25:1, 25:2, 29:8, 29:11, 33:16, 33:17, 33:20, 34:22, 35:5, 35:7, 35:8, 35:11, 35:12, 35:14, 35:16, 35:24, 36:2, 36:6, 36:8, 36:12, 37:12, 37:16, 37:23, 38:4, 38:16, 39:1, 39:11, 39:23, 40:3, 41:20, 42:6, 42:10, 43:19, 44:2, 44:5, 44:10, 44:20, 44:22, 45:1, 45:6, 45:11, 45:14, 45:16, 45:21, 46:2, 49:10, 50:4, 50:5, 50:17, 51:11, 55:2, 56:7, 56:14, 56:16, 56:19, 56:20, 59:18, 60:6, 62:23, 63:12, 63:22, 64:8, 65:5, 65:11, 65:16, 65:24, 66:7, 66:12, 67:6, 67:7, 69:5, 69:6, 69:15, 70:23, 71:14, 71:21, 72:11, 89:21, 90:8, 91:19, 92:1, 92:7, 92:10, 92:14, 92:16, 95:6, 95:11, 96:9, 96:19, 98:6, 98:17, 99:3, 99:7, 99:10, 104:24, 107:23, 114:12, 114:19, 115:2, 115:4, 117:1, 117:2, 121:8, 125:11, 125:16, 126:22, 127:12, 132:5, 132:12, 132:21, 133:11, 133:19, 134:23, 135:13, 136:4, 136:8, 144:13, 144:24, 145:4 serious [2] - 107:5, 131:19 serve [1] - 31:16 service [2] - 132:5, 132:9 services [1] - 30:12 serving [1] - 108:21 Session [2] - 4:1, 106:1 set [4] - 8:13, 47:9, 58:22, 72:15 setting [1] - 46:8</p> | <p>settlement [1] - 121:15 seven [2] - 31:17, 128:6 seven-and-a-half [2] - 31:17, 128:6 several [3] - 5:8, 12:21, 15:8 sexual [4] - 24:3, 24:21, 25:6, 27:2 shake [1] - 6:2 shall [1] - 89:8 share [1] - 131:14 Shaw [17] - 1:6, 1:12, 4:7, 5:6, 8:20, 8:21, 42:3, 66:10, 74:3, 106:8, 123:15, 143:14, 144:3, 161:15, 162:5, 162:11, 162:15 SHAW [1] - 5:1 Shaw's [1] - 16:9 sheet [1] - 17:15 sheriffs [1] - 27:15 Sherman [1] - 15:22 shift [14] - 11:2, 25:10, 115:19, 115:22, 116:1, 116:6, 116:7, 116:9, 116:13, 120:23, 120:24, 122:17, 123:19, 124:3 shoot [1] - 135:11 shooting [1] - 88:19 shootings [1] - 135:6 short [3] - 24:7, 41:11, 73:22 shortage [1] - 26:3 show [4] - 61:14, 85:16, 97:4, 119:8 showed [4] - 40:19, 78:1, 90:15, 90:18 showing [1] - 34:5 shown [1] - 90:9 sided [1] - 153:21 sides [1] - 61:7 sign [3] - 10:11, 43:9, 161:19 Signature [1] - 161:20 signature [4] - 123:15, 136:16, 136:21, 136:24 signed [2] - 123:24, 162:18 signees [1] - 123:11 signing [1] - 162:16 similar [3] - 6:4, 111:8, 111:12 simple [1] - 101:19 simplicity [1] - 64:20</p> | <p>simply [2] - 9:16, 151:6 sit [2] - 37:3, 104:23 sitting [1] - 129:23 situation [3] - 62:6, 135:3, 135:9 situations [2] - 100:11, 143:5 six [4] - 8:5, 13:6, 24:6, 24:18 six-month [1] - 24:18 skin [2] - 91:6, 91:9 Smith [1] - 15:20 someone [7] - 40:6, 58:9, 91:5, 91:14, 121:17, 135:2 someplace [1] - 26:19 sometime [6] - 12:3, 37:14, 84:21, 103:11, 130:17, 140:5 sometimes [3] - 22:13, 91:4, 132:17 somewhere [1] - 23:16 Sorell [37] - 30:24, 31:1, 32:23, 33:9, 33:12, 38:8, 38:9, 38:16, 46:2, 46:16, 47:3, 47:14, 47:21, 48:3, 49:9, 49:15, 50:10, 50:16, 51:4, 51:5, 51:10, 51:20, 51:21, 53:6, 54:10, 54:15, 54:24, 57:17, 95:9, 95:10, 95:14, 96:24, 133:1, 133:18, 133:21, 134:2 Sorell's [2] - 45:5, 45:20 sorry [16] - 35:5, 54:4, 54:7, 54:8, 56:10, 83:4, 83:10, 84:3, 84:5, 90:3, 93:18, 96:1, 103:19, 142:15, 146:5, 146:12 sound [4] - 6:4, 12:5, 22:15, 23:17 sounded [1] - 43:24 sounds [4] - 19:1, 27:24, 96:7, 151:12 South [1] - 50:2 Southern [1] - 137:7 SOUTHERN [1] - 1:3 span [1] - 86:12 speaking [5] - 7:1, 9:8, 54:13, 106:10, 131:12</p> | <p>Speaks [2] - 104:19, 104:21 special [6] - 9:22, 9:24, 10:4, 10:6, 10:9, 10:17 specific [2] - 43:20, 73:17 specifically [1] - 57:13 speculating [2] - 131:16, 131:18 speculation [2] - 71:20, 131:23 spell [2] - 21:6, 21:7 spelling [1] - 15:17 spent [1] - 127:11 spoken [2] - 89:17, 139:9 spring [2] - 39:4, 46:12 Sprint [2] - 58:21, 58:22 Spurlazza [2] - 14:1, 17:9 squad [5] - 24:3, 24:21, 25:6, 27:2, 32:14 SRB [36] - 11:23, 12:7, 12:13, 12:22, 17:1, 19:1, 19:6, 19:7, 19:18, 28:24, 29:2, 29:15, 30:6, 33:21, 34:6, 34:8, 35:5, 36:13, 36:17, 36:18, 37:13, 38:1, 48:17, 63:12, 64:8, 65:1, 84:1, 84:7, 84:9, 84:12, 124:23, 126:12, 159:19, 160:1, 160:6 SS [1] - 162:3 stand [1] - 156:21 start [8] - 17:13, 56:2, 64:21, 79:20, 86:6, 103:9, 140:4, 154:5 started [10] - 14:8, 15:3, 20:2, 20:4, 31:10, 58:12, 121:7, 124:21, 145:6, 150:20 starting [2] - 57:22, 74:4 state [3] - 8:18, 54:17, 127:5 State [3] - 1:16, 162:2, 162:20 statement [3] - 60:21, 64:20, 94:23 statements [10] - 38:8, 45:5, 45:21, 56:19, 59:21, 60:9, 63:19,</p> | <p>64:10, 65:6, 138:19 States [1] - 88:22 STATES [1] - 1:2 stating [4] - 38:11, 70:23, 72:19, 77:13 stationed [2] - 31:20, 32:7 statistics [3] - 87:12, 87:19, 88:3 stay [1] - 70:15 stayed [2] - 78:4, 158:8 stealing [1] - 88:20 stenotype [1] - 4:10 still [31] - 14:21, 32:16, 43:7, 43:8, 45:16, 45:18, 45:21, 45:24, 78:4, 82:14, 97:18, 108:9, 108:21, 113:4, 113:5, 117:3, 118:10, 138:20, 140:11, 145:23, 146:1, 146:9, 146:16, 147:15, 147:17, 148:18, 148:22, 149:19, 150:2, 150:5 stipulated [1] - 4:5 stipulations [1] - 111:23 STIPULATIONS [1] - 4:4 stop [4] - 72:22, 73:12, 73:14, 158:16 stopped [1] - 148:21 stored [1] - 132:18 story [1] - 54:23 street [2] - 12:17, 22:24 Street [5] - 1:18, 2:3, 2:5, 2:9, 50:2 strictly [1] - 86:1 strike [4] - 74:8, 103:22, 116:5, 116:18 Student [3] - 101:13, 101:14, 101:15 stuff [3] - 127:16, 128:2, 138:21 subjects [1] - 13:13 submit [2] - 17:18, 17:19 submitted [3] - 154:6, 155:4, 162:15 substance [1] - 162:9 substantive [1] - 75:2 sudden [1] - 115:14 summer [6] - 37:14, 38:1, 46:13, 159:15,</p> |
|--|--|---|--|--|

| | | | | |
|--|--|--|---|--|
| 160:6 summons [2] - 101:21, 101:22 Sunday/Monday [2] - 120:24, 122:18 supervisor [3] - 17:4, 29:12, 43:18 supplies [1] - 36:1 support [1] - 41:7 supported [1] - 18:10 supposed [1] - 121:6 supposition [3] - 72:2, 76:9, 81:3 surgeries [1] - 27:21 surgery [2] - 123:3, 142:10 surveillance [1] - 34:23 suspects [2] - 12:18, 16:21 swam [1] - 128:14 swimmer [1] - 128:13 switch [3] - 69:11, 69:13, 112:4 switched [2] - 151:4, 151:10 switching [5] - 112:2, 112:8, 151:13, 151:15, 151:19 sworn [1] - 5:2 system [4] - 91:3, 91:11, 101:1, 101:8 | 151:13, 151:20, 151:23 tasked [1] - 12:17 teach [1] - 37:4 Team [1] - 144:9 team [18] - 13:1, 13:10, 33:3, 33:5, 34:15, 55:14, 67:4, 67:6, 67:16, 110:20, 112:22, 112:23, 113:22, 114:3, 115:5, 128:7, 128:20, 158:20 teams [8] - 12:14, 12:16, 12:22, 69:11, 69:14, 112:2, 112:5, 112:8 telephone [1] - 69:7 temp [3] - 24:8, 24:11, 24:19 ten [5] - 25:23, 92:24, 93:1, 94:7, 104:5 terms [1] - 145:3 test [1] - 8:3 testified [4] - 61:1, 117:13, 132:16, 159:9 testify [1] - 85:14 testimony [2] - 139:17, 160:18 text [33] - 72:19, 73:2, 73:4, 73:11, 74:15, 90:9, 90:10, 90:15, 90:19, 90:23, 91:12, 91:15, 92:5, 92:13, 92:17, 93:5, 93:14, 94:4, 94:9, 94:10, 95:21, 96:15, 97:6, 97:8, 97:12, 97:13, 99:9, 99:16, 107:23, 127:13, 141:5, 142:24, 143:2 Text [2] - 3:11, 142:19 texted [1] - 73:6 texts [1] - 92:20 THE [4] - 21:7, 41:17, 140:1, 155:15 theirs [1] - 88:17 themselves [1] - 58:3 thereabouts [2] - 19:4, 133:11 thereafter [1] - 4:11 thinking [1] - 98:22 third [3] - 120:23, 122:16 threat [10] - 95:20, 95:21, 95:23, 96:7, 96:10, 96:18, 98:6, 101:13, 101:18 threatened [5] - 49:12, | 94:20, 95:7, 96:4, 106:20 threatening [2] - 46:21 threats [13] - 94:15, 94:16, 94:18, 95:2, 98:14, 98:17, 99:4, 99:8, 101:20, 131:9, 131:10, 132:4, 134:24 three [8] - 19:10, 22:21, 48:20, 50:14, 64:19, 66:21, 128:7, 147:21 three-and-a-half [1] - 19:10 timeline [1] - 97:4 timing [3] - 97:2, 145:3, 145:15 timing-wise [1] - 97:2 title [1] - 101:3 today [19] - 7:18, 8:16, 15:10, 20:18, 85:14, 107:11, 113:5, 124:21, 127:2, 127:11, 128:3, 137:18, 137:22, 141:4, 143:10, 144:18, 145:21, 146:22, 161:17 together [13] - 15:13, 16:11, 31:5, 55:14, 59:14, 59:16, 61:15, 66:20, 78:3, 80:20, 105:6, 138:11, 162:8 took [22] - 15:24, 24:8, 42:15, 48:14, 83:6, 83:12, 83:17, 110:21, 112:18, 114:10, 114:12, 114:15, 116:22, 117:20, 134:20, 136:20, 148:23, 148:24, 152:24, 158:10, 158:15, 159:16 topics [2] - 44:20, 144:4 tore [1] - 27:17 totally [3] - 83:1, 147:11, 147:12 toward [3] - 95:22, 95:23, 140:16 tracking [1] - 16:19 traffic [2] - 77:22, 122:12 trafficking [15] - 14:23, 19:16, 19:21, 37:8, 43:5, 77:15, 77:17, 79:4, 79:14, | 80:22, 82:2, 82:5, 104:16, 105:7, 138:8 trained [2] - 128:6, 128:10 trainer [1] - 82:10 trainer's [1] - 82:10 training [4] - 52:13, 52:18, 138:7, 138:9 transcribed [1] - 4:11 transcript [2] - 162:6, 162:14 transfer [1] - 111:13 transferred [2] - 111:4, 123:17 treat [1] - 22:10 treated [3] - 21:17, 29:13, 57:1 treating [1] - 140:14 trick [1] - 7:6 tried [2] - 91:13, 118:11 triggered [1] - 44:24 trouble [1] - 37:15 Troy [1] - 22:4 true [2] - 18:11, 162:10 trusted [1] - 81:14 truth [1] - 50:19 truthfully [1] - 8:15 try [13] - 6:12, 7:1, 7:6, 16:15, 29:17, 40:5, 57:12, 60:17, 92:4, 98:7, 106:23, 108:6, 118:8 trying [33] - 27:13, 30:9, 30:15, 36:10, 36:18, 36:24, 37:10, 41:2, 44:6, 59:7, 63:7, 63:15, 63:17, 64:9, 72:21, 73:12, 73:13, 74:15, 74:17, 78:11, 80:19, 93:22, 100:18, 114:4, 115:18, 115:23, 127:24, 130:14, 132:11, 142:20, 146:20, 153:3 Tuesday/Wednesday [1] - 116:10 Tuesdays [1] - 115:19 Tuesdays/ Wednesdays [1] - 116:2 turn [2] - 107:10, 161:3 turned [9] - 97:10, 104:4, 109:21, 118:21, 120:5, 121:9, 149:14, 152:12, 152:22 | turning [1] - 106:11 twice [2] - 125:10, 158:19 two [36] - 10:15, 12:9, 14:21, 21:1, 21:22, 27:21, 28:19, 46:7, 55:1, 62:22, 70:3, 70:6, 76:12, 78:3, 83:5, 83:6, 83:9, 83:11, 86:12, 90:3, 94:24, 96:5, 144:4, 147:21, 147:23, 148:21, 153:21, 154:14, 154:23, 156:2, 156:6, 157:17, 158:4, 158:19, 160:13 two-sided [1] - 153:21 two-year [1] - 86:12 type [4] - 13:7, 53:21, 59:8, 100:12 types [3] - 13:15, 42:17, 100:11 |
| U | | | | |
| talks [3] - 62:17, 62:20, 122:11 Tanner [1] - 15:23 tape [1] - 104:8 tape-recording [1] - 104:8 taped [3] - 103:21, 103:24, 104:7 targets [1] - 17:16 task [44] - 9:14, 14:23, 19:17, 19:20, 19:21, 20:1, 20:4, 20:6, 20:8, 37:8, 43:6, 43:8, 44:8, 77:15, 77:17, 79:4, 79:14, 82:2, 82:5, 104:16, 111:16, 111:23, 112:1, 112:20, 112:24, 113:1, 113:2, 113:4, 113:5, 113:10, 114:3, 129:18, 129:21, 144:6, 144:11, 145:8, 145:9, 151:1, 151:7, 151:9, | | | | U.S [1] - 137:6 ultimate [2] - 14:10, 14:13 ultimately [14] - 43:11, 88:12, 88:22, 97:21, 110:1, 116:22, 117:20, 118:21, 119:3, 120:5, 121:14, 124:18, 148:24, 152:19 under [4] - 1:13, 4:8, 104:5, 131:8 undersigned [1] - 162:17 understood [2] - 7:14, 82:19 unfortunately [1] - 7:3 union [1] - 121:15 unit [4] - 124:23, 126:24, 127:14 UNITED [1] - 1:2 United [1] - 88:22 units [3] - 12:22, 144:23, 151:19 up [62] - 7:11, 10:11, 13:20, 13:21, 14:3, 14:6, 14:12, 14:14, 14:20, 14:22, 17:10, 17:20, 21:19, 30:23, 33:16, 34:5, 35:20, 36:16, 39:9, 46:8, 47:9, 55:15, 57:12, 58:22, 60:3, 64:3, 64:5, 72:15, 73:22, 74:8, 80:20, 81:17, |

| | | |
|---|---|---|
| 81:21, 82:1, 85:16, 86:11, 86:20, 88:23, 94:23, 97:4, 101:20, 106:23, 108:5, 108:8, 111:21, 111:24, 115:16, 118:14, 120:11, 123:3, 124:22, 130:20, 133:6, 134:9, 139:5, 142:20, 143:18, 152:5, 159:2, 160:13 ups [1] - 98:24 upset [5] - 56:7, 56:15, 59:5, 61:20, 94:14 | 134:2 weapon [3] - 132:6, 132:9, 132:13 Wednesday/ Thursday [1] - 116:10 Wednesdays [1] - 115:20 week [3] - 121:10, 123:2, 138:10 weekend [1] - 121:1 weekends [1] - 123:19 weeks [3] - 94:24, 96:5, 120:17 Wes [9] - 30:24, 38:8, 38:9, 45:5, 45:20, 46:2, 46:11, 46:16, 54:10 whereas [1] - 35:15 Whitaker's [1] - 68:11 white [3] - 68:12, 110:5, 111:2 Whitney [3] - 13:2, 48:1, 72:6 Whittaker [21] - 67:13, 67:24, 68:4, 68:23, 68:24, 69:10, 69:18, 70:14, 82:22, 82:23, 83:1, 83:5, 83:12, 83:15, 83:23, 84:6, 111:10, 159:10, 159:12, 159:22, 159:24 Whittaker's [1] - 111:12 Williams [27] - 17:2, 17:3, 17:20, 18:12, 35:6, 35:11, 35:16, 35:24, 39:11, 41:21, 44:2, 44:5, 44:22, 45:1, 45:15, 51:11, 53:16, 56:16, 56:20, 59:19, 91:20, 92:2, 92:7, 92:10, 92:16, 95:11, 96:19 Williams' [2] - 17:22, 35:8 Wilson [2] - 13:2, 134:4 wise [2] - 83:22, 97:2 withdrawn [1] - 149:12 Witness [1] - 159:5 witness [3] - 4:12, 39:20, 162:15 WITNESS [4] - 21:7, 41:17, 140:1, 155:15 witnessed [3] - 40:11, 40:17, 41:5 witnesses [1] - 8:2 | word [2] - 102:4 words [2] - 73:17, 85:13 works [2] - 24:16, 32:17 wound [1] - 80:20 write [1] - 38:13 writing [1] - 4:10 written [1] - 26:13 wrote [7] - 38:11, 51:18, 54:14, 54:20, 57:14, 57:16, 82:3 |
| V | | Y |
| vacancies [1] - 158:20 Vacancy [1] - 122:11 vacant [1] - 30:10 various [5] - 12:16, 42:17, 42:21, 126:22, 127:11 Vass [1] - 32:18 VEIL [1] - 1:22 verbally [2] - 6:1, 6:6 versus [1] - 132:13 vice [11] - 22:19, 22:20, 23:3, 23:10, 23:16, 24:2, 24:8, 24:10, 72:24, 73:1, 77:16 view [1] - 100:19 violation [3] - 135:17, 135:19, 135:24 violations [1] - 9:12 violence [1] - 101:18 violent [1] - 135:4 VIOLET [1] - 1:22 voluntarily [1] - 69:17 vs [1] - 1:8 | year [8] - 12:4, 14:21, 31:9, 52:19, 86:12, 96:22, 128:23, 158:3 years [14] - 8:5, 9:1, 9:7, 12:9, 15:21, 19:10, 22:21, 31:17, 44:16, 76:12, 78:3, 115:24, 128:6, 151:15 Young [1] - 20:20 | |
| W | | Z |
| wait [1] - 125:23 waiting [1] - 125:11 waived [2] - 4:14, 161:20 Walt [1] - 20:20 Walton [2] - 2:4, 2:5 warrant [3] - 76:19, 76:20, 77:22 warrants [3] - 80:23, 82:3 Warren [2] - 21:4, 21:11 waste [1] - 65:4 Watkins [5] - 54:10, 54:15, 54:24, 57:17, | Zach [1] - 1:17 zero [2] - 76:11, 86:12 zeroes [1] - 87:22 zone [5] - 11:3, 11:4, 11:5, 13:23, 17:9 Zone [4] - 11:6, 12:2, 13:24, 124:3 | |